

SELLERSBURG TOWN COUNCIL

October 28, 1996

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member, Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer and Perry McCall, Town Attorney.

Called To Order

President Broady called the meeting to order at 6:30 p.m.

Prayer

The prayer was dispensed with for this meeting.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes Of Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Fenner.

Vote 5-0

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

Mr. Cooper stated I wasn't at the last meeting but my understanding was that the claim for legal services by the Clerk Treasurer's office was submitted. Do you have a copy of that in front of you.

President Broady stated yes I do so have.

Mr. Cooper stated in looking over the minutes of the last meeting there seems to be some misunderstanding of what I've been doing legal research and providing legal research to the Clerk Treasurer's office for.

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

Mr. Cooper stated the issue involved is one that has come up several times, it's the same issue that the council approved several weeks ago to pay Stites & Harbison \$200.00 or \$300.00 for their services. The issue being whether the Clerk Treasurer's office by statute is required to handle the billing for the cities utilities. I know that is part of the contract of the private entity and has been going on for awhile. I believe the Clerk Treasurer has a legitimate concern that her job description by state statute may require her to do that. That's what I've been looking into, at the meeting I appeared at before we discussed this statute that's 36-5-6-8. I have another copy of it. I know I provided copies before but I brought additional ones this time and it's quite clear in that statute and I know there was a dispute in the past of when that statute went into effect and I think it came into effect or became effective July 1st of 1995. It quite clearly reflects that in Section 8 there, the Clerk Treasurer can hire or contract a competent attorney or legal research assistant on terms the Clerk Treasurer considers appropriate. That to me means quite clearly that the Clerk Treasurer makes that call. She does not have to go through the legislative body, lastly Section B, it says that appropriations be made in the budget for those expenditures. There is already an appropriation for this year of however many dollars, I don't know and there's an appropriation in next years budget for \$5,000.00, although the issue that I'm researching may be an issue that has constantly come up between the Town Council and the Clerk Treasurer's office may be one that needs to be resolved in court or with the Attorney General's opinion and I think there is legitimate concern on both sides there I can see some logic in that the council may be able to do that. The research I've done for the Clerk Treasurer indicates the Clerk Treasurer has that responsibility and is mandated to do it. That's a controversy. I don't think there's a controversy about whether the Clerk Treasurer can hire someone, an attorney, because the purpose for this statute was to level the playing field. The Town Council obviously has legal council, obviously has the ability to seek legal advice and this statute was enacted to allow the Clerk Treasurer that same legal option so for those reasons I would encourage the Town Council to approve the claim and we are willing to work with the Town Council and the Town Council's Attorney and resolve the issue but the Clerk Treasurer's office does have the right to an attorney.

President Broady stated Perry what is your opinion.

Attorney McCall stated well I sent you a memo in regard to my opinion. In initially receiving the payment voucher and the itemization for services I think the question was at the last Town Council meeting in particular, what that service was for and I guess the memo explained my opinion as to the purpose of the statute which is identical to what Mr. Cooper has indicated. The purpose of the statute is, the bottom line was because reading the itemization, the witness in that particular case and again it didn't indicate who it was and had no need to indicate who it was, it seemed to me at that point it was preparation for some legal action as opposed to simple research, now is simple research not designated to sue the town. I think Mr. Cooper or Linda, Ms. Schafer, if they did and they were successful in a suit would be able to recoupe attorney fees, if that were an issue and again this may be an issue because it's a new statute, there is no annotation regarding the case law at this point, it's a gray area for me as to exactly what those duties consist of and what the town is obligated to pay and that was my opinion and I put several scenarios there as to what could happen, best case, worst case and that was there for your review so I guess, looking at the itemization that I had, that I saw, I don't have it now but saw, was things, it didn't jive with what Mr. Cooper was saying simple research, it seemed to go beyond that. There is an avenue which you can take, one way or the other and I believe there is a basis for discovery here.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 3.

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

Mr. Cooper stated if I might add to that, this is an area where Mr. McCall and I may some what differ but in reading Section A, it says the Clerk Treasurer can contract a competent attorney or legal research assistant, it doesn't say contract a competent attorney for them to only do research. That's not an issue.

Attorney McCall stated I don't think that's my point that I'm making, the point is that looking at the itemization, contact, I mean right now what the intent other than Clerk Treasurer's passed through legislature what I'm saying is it strikes as common sense that the Clerk Treasurer can hire competent legal council to sue the Town Council and recoup that fee under state statute recouping fee to prepare for a law suit and my basis is that competent legal council could do research and prepare for that type of thing until the appropriations ran out and at that point is that if there is attorney fees that would be owing for work that he did in that type case it would be recoverable in civil action as opposed to this particular statute and the reason I said it appeared to be going that direction is because when you're interviewing a witness it strikes me as preparing for some type of legal action and that's my point.

Mr. Cooper stated this statute is to avoid that particular situation. We all know that the Indiana Statute allowing the suit for the attorney to constitute to see attorney fees and that's basically the fee contingency in this type action, alot of attorneys won't take a suit as I indicated earlier where there is a legitimate controversy and reasonable people can see both sides of the issue. I think the legislature passed this statute which went into effect last year because without this statute the Clerk Treasurer, whether it be Ms. Schafer or a Clerk Treasurer in a city or town some where else would not have the option of convincing some attorney to take her case or look at their issue because the issue of if that attorney would be paid or not, it's up in the air, just as Mr. McCall has given you advice on a potential suit, Ms. Schafer is allowed to seek advice for a potential suit or an issue that she thinks could put her in jeopardy in her official capacity.

President Broady stated well we could set here and obviously argue back and forth.

Ms. Schafer stated I would like to present the claim for approval since it was tabled at the last meeting.

President Broady stated I will speak my piece, with all due respect to Mr. Cooper and Linda, I personally will vote no against this until some higher authority tells me that I have to pay that fee because it seems to be even a controversy between you two and opinions of the council here, he is our council, he has indicated that it doesn't fall into that category and I think we would be fools not to take his legal advice. I have a problem using tax dollars to do research that could possibly be used against the town, in other words, one taxable entity suing another taxable entity with the same tax dollars and there again nothing personal against Linda at all but until somebody of higher authority, other than myself, says yes, this is the law, yes you do owe it, that's my opinion only and my feelings.

Motion made by President Broady to disapprove the claim from Attorney Cooper for now until some higher authority tells us we are legally bound to pay it and seconded by Council Member Eddings.

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

President Broady stated does anyone have any comments.

Council Member Eddings stated I agree with what you just said.

Council Member Voyles stated some of the town people have talked to me and I agree.

Council Member Fenner stated I'm ready to vote.

Council Member Alexander stated the only thing I have to say on it is I'm glad this is going through okay, it needs to come to a head. We are not functioning.

President Broady stated I am too, I think with all due respect, I think this needs to be clarified by law and if a law suit takes place and goes all the way through it will clarify if what we did with EMC was wrong, that will be clarified. It may be good all the way around unfortunately I'm in a position right now I would be just as guilty as to do something I thought might be wrong as I would be to go ahead and do it.

Mr. Cooper stated the only think I'd like to point out, if you vote against approving this it certainly brings up the issue that you have already approved under similar circumstances another bill that listed almost exactly the same format, you set a precedent when you paid the Stites & Harbison bill. You also paid that before the case law was in effect. It may be an issued that you all would like to consider before you take a vote.

President Broady stated I'm not familiar with the Stites & Harbison bill.

Ms. Schafer stated it was a reimbursement.

President Broady stated oh yes.

Attorney McCall stated and we determined based upon the fact that it came up maybe after the time that this was in effect rather than to squabble over the time and date to go ahead and pay the claim, now whether or not that set the precedent, I think it would depend on what the purpose it goes back to what the purpose of this particular research, if the town hired then so be it but again it was for the purpose and again the bill to me, itemization reflects something more than simple research. When you interview witnesses, it's a different set of circumstances, whether it's a precedent and you don't pay it and it was challenged you'd have to face the consequences but there is no guideline and if Mr. Cooper can show any case law that's out there, I don't know of any or any Attorney General's opinions. I couldn't find it, it's very gray as to what that entails.

President Broady stated okay say we approve this and we had X number of dollars appropriated this year and we went ahead and spent that X amount of dollars and then the lawsuit or whatever wasn't qualified and we ran out of money there, what would we wait until next year to reappropriate money.

Attorney McCall stated it says you appropriate for a certain amount, if you budgeted \$1000.00 for example and that \$1000.00 ran out, would you be obligated at that point to do an additional appropriation.

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

Mr. Cooper stated that get's into even a darker gray. I know in speaking with the Clerk Treasurer and obviously that claim, that bill is structured in such a way, but I have to maintain a client confidentiality, that's why it is structured that way. I might make a suggestion and I haven't talked with the Clerk Treasurer about it, but I think the outcome of a no vote is that it does force us to go to a judicial authority to try to seek an injunction to pay the attorney fees that have gone on, second to resolve the issue. There is an issue that came up recently and that's in with talking with some other attorneys that have had experiences in this type of situation. I might suggest we go out and have Mr. McCall's response here, that you might have him and myself both seek an Attorney General's opinion first, that would not be something that you would be bound by or we would be bound by but we would all have a better feel for that. I think the Clerk Treasurer would probably agree that the amount of time it took to get that opinion was a reasonable amount that we would stop and not conduct any further research and let Mr. McCall and myself set that up to get, first this statute cleared up and second the one about whether the Clerk Treasurer can by law do anything other than collect and I think that's a reasonable issue that the Clerk Treasurer is most concerned about there are Clerk Treasurers: who have gotten jammed up, it's not a very legal term but have gotten jammed up by not necessarily doing something but not following the mandates and we would all be working with something as I'm sure Mr. McCall will tell you is not binding on anyone and it certainly could shed some light on what we are all talking about and the Clerk Treasurer might be willing to agree to that and at that point after Mr. McCall and myself got that paperwork up to them we could put it on hold and we could get a clear picture of it. That may be a better compromise than the Clerk Treasurer sue the Town Council.

Attorney McCall stated as long as we can agree on the issues and again I think we would have to set down and I know with client confidentiality but to find out exactly.

Mr. Cooper stated if I was given permission to discuss that with you and the Town Council would give you permission to discuss it with me and one would be how does someone get paid, which is really a minor issue and the second issue, is the Clerk Treasurer under legal obligation to in fact collect those monies that are being collected under a contract right now.

Attorney McCall stated I think any type of guidance you can get under the Attorney General would be an unbiased opinion but it is the Attorney General's opinion, if the questions are framed fair to all parties it would be an appropriate starting point rather than going to take a chance to actions later down the road it would be beneficial. It's an Attorney General's opinion, Attorney General opinions are cited occasionally, it's used as a guide. It's the next step before you go to the judicial, he is a lawyer, has a staff that researches the issues that are presented, get's an opinion that may...

Mr. Cooper stated an opinion on an issue, as Mr. McCall indicated this went into effect July 1st and I know from our perspective, mine and the Clerk Treasurer, if we got an opinion that layed out the law, that made it very clear and what the Clerk Treasurer wants is a piece of paper from the Attorney General or a judicial officer that says she's not doing anything wrong by not collecting, it's not so much an issue is EMC right or wrong but is she in jeopardy by not collecting them. If the Attorney General's opinion says don't worry about it, then it would certainly carry alot of weight on our side, if it's not an issue for him, he's the chief law enforcement officer for the State of Indiana, then we can deal with that.

Lonnie Cooper Addresses Council/Concerning Legal Research Claim Tabled At Last Meeting

Attorney McCall stated so we are talking about trying to obtain basically three opinions from the Attorney General, three distinct issues, number one the duties of the Clerk Treasurer.

President Broady stated so you have a problem with that Linda.

Mr. Cooper stated the issue for my client and I'm going to speak for her, is she wants to make sure that she meets the obligation of the office that she was elected for, if she has an obligation to do something she is not now doing, she wants to correct it and if she's not obligated and that's the way that the legislative body wants somebody else to do it, it's okay by statute then that's it.

President Broady stated I have no problem with that. I'd like to rescind my motion then and Council Member Eddings stated I'll rescind my second.

President Broady stated motion has been rescinded.

Motion made by President Broady to table this matter by mutual agreement between our attorney and the Clerk Treasurer's attorney, let them research it through the Attorney General's office and come back with a better opinion and seconded by Council Member Eddings.

Vote 5-0

Mr. Cooper stated I'll leave right now so my clock quits ticking.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

Mr. Koch stated I'll apologize first of all for not being able to make it to the last town board meeting. I was on the agenda and some items came up. I have with me tonight from Indianapolis, Mr. Larry Hayward with Mothers Against Drunk Drivers. I'd like to express to the town board first off that I've really been bureaucrated by the community members that have, for whatever reason, elected myself to be the mouth piece for the problems that have been approached here. I'd like to go back on that a little bit and say first hand I have spoke with previous officers from the Sellersburg Police Department that have advised me that they have gone about problems about our police department to this board, for instance i.e., Emerick, Rick Emerick advised me in conversation that he spoke with Mr. David Broady, Town Board President and advised him why he was leaving. Do you concur Mr. Broady.

President Broady stated I spoke with Rick, yes.

Mr. Koch stated okay did he concur to you that there was a problem.

President Broady stated I'm not going to get into all of that.

Mr. Koch stated the problem that I'm emphasizing here is that each one of the town board members, to the best of my knowledge have been approached because of the problems we have within the Sellersburg Police Department.

Council Member Voyles stated I have not.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 7.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

Mr. Koch stated Mr. Voyles indicates that he has not. I was approached by somebody that I hold strong faith in, in reference to a problem involving a shotgun, the individual was supposedly a friend of Chief Kinder and that this individual did not have charges placed against him because of his association with Chief Kinder.

President Broady stated that has been investigated and resolved and dropped.

Mr. Koch stated is the Town Board aware that the Indiana State Police has charges in their possession that they are forwarding to the prosecutor's office. Is the Town Board aware that I have spoke with Steve Stewart and that part of this investigation advised that Steve Stewart said there is no problem however, when I spoke with Steve Stewart he said that no that is not true, that he had only heard bits and pieces of this, that there was a county investigation, that the county investigation said that they do not feel that anything was warrantable enough to send to the prosecutor's office however, when I contacted Major Holland with the Indiana State Police Department and was further backed up by Kenny Alexander in conversation, Kenny Alexander was gave Major Holland's phone number, he contacted Major Holland, Major Holland advised what Mr. Alexander?

Council Member Alexander stated he just told me that there was something going on, I guess about a month ago, he wasn't, he was very short and ...

Mr. Koch stated but he didn't lead you, not to interrupt, but he did not lead you to believe that the matter was dropped such as the county investigation had termed.

Council Member Alexander stated he didn't lead me anywhere, I mean he was very short and he just made reference to you.

Mr. Koch stated so the Town Board was not aware that the State Police is still investigating the issue. They are though.

President Broady stated okay.

Mr. Koch stated another issue was brought to my attention by an individual that I hold high respect for in this community, it's involving our Town Attorney, Perry McCall. I don't know the truth of these allegations because I have no way of conducting any type of investigation to determine the validity of this. I believe that there are select Town Board Members here that know the issue that I'm speaking in reference to. I was advised, I'm not presenting an allegation but simply presenting the information to the Town Board that was presented to me, that Perry McCall was pulled over by Officer Bernie Ash on suspicion of a DUI, that he was issued a alcosensor, blown a 1.3 and then nothing was done about the issue.

Council Member Fenner stated may we ask where you get your information.

Mr. Koch stated in a formal investigation, yes sir and I will be more than happy once I see that a formal investigation is under way and that this Town Board is not going to take the carpet and sweep it under the mat and put it back down, then I will reveal all of my sources, at this point these people, individuals that are presenting this information to me have just cause to not to want to be identified because of things that have happened in the past such as the police officers leaving.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

Council Member Voyles stated the police officers leaving, some people quit a job because they are not happy with it, some people quit for things they may have done, there are alot of reasons for people leaving jobs, it doesn't have to reflect their supervisor.

Mr. Koch stated sure Kinder, it doesn't have to be as a result of him, some of the officers I've spoke with, yes it has been, another incident that was brought to my attention by another person in the community that I hold respect for is that Major Pat Bradshaw's brother-in-law was pulled over and issued a alcosensor and we had three police officers witness this, in which he had blown a .20 on a alcosensor and he was allowed to go free. I was also advised that shortly thereafter, not being that night, that a couple of days or couple weeks after that, this same individual was arrested in Louisville on similar charges. This incident may have happened because he was allowed to go free. What I'm asking is that the town investigate this and if our city police officers are allowing them to go free, those that have committed crimes such as intimidation, criminal wrecklessness, drunken driving, we have a problem, just like the comment that Doug Eddings made to me at Sid's Pub in Sellersburg, I believe we have a problem but the way that I'm going about it isn't the way to do it. Mr. Eddings how would you like for me to go about it. I've presented the problems that have been addressed to me to the town board.

Council Member Eddings stated I don't know, I don't have an answer for that.

Mr. Koch stated gentleman I believe we have a problem if these allegiations are found to be true.

President Broady stated Mr. Hayward would you like to comment.

Mr. Hayward stated I have nothing in this matter. I am with the Mothers Against Drunk Drivers, it is a very good organization. Our main goal as you know is to prevent deaths on highways. We like to see the laws upheld.

Mr. Koch stated additionally a phone call was placed to the Governor's Office of DUI Task Force, what we asked to see was the agreement that the City of Sellersburg has through the county grant with their office to make the arrest for drunk drivers and if the drunk drivers are let go then what is the penalty for this. They are researching it and making a decision upon what they find.

President Broady stated Mr. Hayward are you involved in this concern, are you sir. You are the Vice-President for Mothers Against Drunk Drivers.

Mr. Hayward stated I'm observing.

President Broady stated just observing. Do you have any knowledge of what he's talking about.

Mr. Hayward stated I don't have any personal knowledge.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

President Broady stated I really respect the Mothers Against Drunk Drivers. I think it's an outstanding organization. I do have to question that you would be here and not really do any research. I find that strange sir just to take Mr. Koch's word for it but I have no, you're welcome and perhaps you should maybe do some research and find out the whole truth and I mean you can look at the police records for the Sellersburg Police Department and I'll assure you there is a whole lot of drunk driving arrests that are substantiated. This is not a town that lets everybody go. I don't know what the implications are here but you use your own judgement. I don't want to mislead you. I'll let you look at the facts and make your own opinion on it.

President Broady stated Mr. Koch, anything else.

Mr. Koch stated what is this Town Board, I mean is this going to be forgotten or does the Town Board plan on stopping and denuking and asking the police officers in reference to these allegations. The officers that are witnesses to these allegations. The officers that have taken part in these allegations. The officers have been ordered to do the things that they do not want to do in these matters because of the superior commanders.

Attorney McCall stated well since this concerns me personally, I think I want to respond to what Mr. Koch has to say this evening and I'm going to make my little statement to you about what you've brought up about the Town Council of Sellersburg and that's all I'm going to say unless the Town Council wants to add to it. First of all it's great that you're here and it's great that you have the right to voice your opinion. That's the democratic way no matter how wrong your opinion is, now I don't know your motive for being here, I don't, it really doesn't matter. I don't even know if you're a resident in the Town of Sellersburg are you? I don't think so, however your motive, if it is to bring the Town of Sellersburg into public disgrace by these continued bouts of innuendo's and I have this evidence, I have these witnesses and I'm going to bring them forward when the time is right, you in the wrong place of if it's because you're mad or you're frustrated because you yourself have been arrested several times, 93, 94, 95 and have been convicted, that's another reason.

Mr. Koch stated excuse me.

Attorney McCall stated you've been convicted for false informing in Clark County.

Mr. Koch stated once, that was the night of my bachelor party.

Attorney McCall stated there you go and I don't know what your reason is. I don't know if it's frustration over your arrest. What I know is this the Town of Sellersburg has a fine police department, they do their jobs and no time to my knowledge have they not done their jobs and when you find it, you bring it but the continued innuendo's and witnesses and people that you have, enough is enough.

Mr. Koch stated talk to your police officers.

Attorney McCall stated enough is enough.

Mr. Koch stated ask your police officers.

Sellesburg Town Council
Regular Meeting
October 28, 1996
Page 10.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

Attorney McCall stated and the Town Council is doing their job, the police force is doing the job, it may not be to your satisfaction but they are doing their job.

Mr. Koch stated why are your police officer's coming to me, why would they come to me.

Attorney McCall stated sir, I don't know why the police officers are coming to you and I'm not going to comment any further, that's my statement about what you have to say and you've been on the agenda several times, you've brought it and you didn't stay around the night that the Town Council determined what they were going to do.

Mr. Koch stated I didn't know that was on the agenda.

Attorney McCall stated well if you're concerned about it enough it seems you would stay around and listen until the end of the meeting but no, we get the continued fliers, posters and whatever else is going around, it's full of fabrication's and when it concerns me directly, when it concerns me personally I take offense to that so you bring me some hard facts and you put it on the table in front of the Town Council or whoever you want to put it in front of and we'll talk about it.

Mr. Koch stated well where's Officer Bernie Ash at.

Attorney McCall stated let's Rock N' Roll, if you want to Rock N' Roll on it, let's go.

Mr. Koch stated is Officer Bernie Ash on duty.

Chief Kinder stated I'm not going to give out any officer's schedule, if there's an official investigation I will have Officer Ash present.

Mr. Koch stated this has nothing to do with you personally.

Attorney McCall stated it has something to do with me when you bring my name up into it.

Mr. Koch stated I'm recognizing that your name was brought to me.

Attorney McCall stated well when you bring my name into it, when I'm brought into it personally, yes it does become personal okay.

Mr. Koch stated okay.

President Broady stated thank you Mr. Koch.

Mr. Koch stated Mr. Broady I was addressing the Town Board, the nature of the matter is sensitive to the police department, I'm sorry but that's what I was addressing. I find it rather unprofessional when Major Pat Bradshaw glares at me when I return to my seat, if he wants to do that...

President Broady stated alright Pat don't glare.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 11.

Adam Koch Addresses Council/Complaints Against Sellersburg Police Department

Officer Bradshaw stated I'd just like to add to that and I apologize to the board but I find the statements made by Mr. Koch so asinine however if he felt I was glaring I apologize.

President Broady stated alright, okay, moving on.

President Broady Addresses Police Commissioner Appointments

President Broady stated we have two appointments that are going to be due December 31st, they will expire. Could you provide us with these names.

Ms. Schafer stated Bill Paschal and Ed Denton are the two up, I didn't know if the council wanted to...

President Broady stated I didn't want to take any action on it tonight.

Ms. Schafer stated those will either be available for reappointment or new appointments. They are three year appointments.

President Broady Addresses Naming Road To Sewer Treatment Plant

President Broady stated I've got the road going into the sewer treatment plant, it's a public road and people have bought property on that road and they are going to build a new facility down there, a shop, etc. It's zoned industrial and they need to get their paperwork into the state to get their plans back and everything and the street was never named so we need to put a name on the street going back to the treatment plant and I talked with Perry and the Planning Commission was approached there and they didn't know for sure who had to handle that so if left us putting a name on it but I did have in fact one former member of the board approach me and would like to have it named after him but I got to thinking there were five members on the board and I hate to name it after somebody, there's alot of people worked hard on that so I called Jesse Ballew because the road will eventually tie into his property and check to see what he had on his street and anyhow he come up with Progress Way which will go back into Industrial Blvd, the name of his street. You know we recommend that way his stuff going into ours would match together.

Council Member Fenner stated there's a Progress Way right down the road in Clarksville.

President Broady stated that is Clarksville.

Mr. Stewart stated that all effects the 911 system.

Council Member Voyles stated there's one in New Albany also.

President Broady stated we can name it something else. I'd like to stay with the Industrial term as the name.

Council Member Fenner stated Fabricon.

Council Member Voyles stated there's one in Jeff.

President Broady Addresses Naming Road To Sewer Treatment Plant

Chief Kinder stated there's a Fabiricon in Jeff.

President Broady stated I'm surprised they are not here tonight to get the name so they can mail the paperwork out.

Mr. Toombs stated what about Enterprise.

Council Member Fenner stated we've got an Enterprise.

President Broady stated we'll move on and you all be thinking about it. We've got to come up with a name tonight and let me or someone just say name it and do whatever.

Chief Kinder Addresses Council/Changes In Personnel Policy

Chief Kinder stated are we going to go over the personnel policy.

President Broady stated I talked to the chief and we rewrote to my liking basically what it says is persons can call and get a personal day off with no reason whatsoever and they would not be required to approve it except for the fact unless it would be a emergency, that what it says in here.

Chief Kinder stated except in the case of an emergency personal time should be scheduled in as far as advance as possible with the employees supervisor to ensure that the schedule can be adjusted to compensate for the employee's absence.

President Broady stated in other words, all someone has to say is personal day and he's got a personal day.

Chief Kinder stated he's got a personal day or personal hours, they don't have to take the whole day.

President Broady stated so it's basically the same except it can be done in hours or whatever.

Council Member Fenner stated but there's still the qualification that it has to be with supervisor approval which doesn't say what the approval is based on and then also it, I mean, this is the fourth one of these that we've had in the last what, three months not and it changes every time. The latest one shows you know, under eligibility, all full time regular employees are immediately eligible for two days personal time alright then down later it says town employees earn one personal day January 1st and one personal day July 1st, that seems contradictory.

Chief Kinder stated if this goes into effect now all full time employees are eligible.

Council Member Fenner stated okay.

Chief Kinder stated then down at the bottom it says new employees will earn and if you don't say that then your saying a brand new employee, the day he starts he has two for the year.

Chief Kinder Addresses Council/Changes In Personnel Policy

Council Member Fenner stated okay but it doesn't say new employees down at the bottom here Chief, it says town employees.

Chief Kinder stated below that.

Council Member Fenner stated alright but okay what about the paragraph above that one, why do you have that one in there, that contradicts the second paragraph. There needs to be a re-wording of that to make that understandable.

Chief Kinder stated then how would you say it.

Council Member Alexander stated doesn't the second paragraph say they are eligible and doesn't the last paragraph tell us how they are eligible.

Chief Kinder stated yes.

Council Member Fenner stated I think I would just take out the immediately, just take that word out of there.

Council Member Alexander stated the second paragraph is only going to be for this active vote.

Council Member Fenner stated I still have some grave concerns about what does supervisor's approval mean, I mean what...

Chief Kinder stated does that mean that he doesn't have to check with the supervisor.

Council Member Fenner stated no I'm not suggesting that he doesn't have to check with the supervisor by any means because they do need to make sure the schedule can be adjusted.

Chief Kinder stated who do they check with if it's not their supervisor.

Council Member Fenner stated well but again the word check with and approval are two different things.

Chief Kinder stated it says personal time should be scheduled as far in advance as possible with the employee's supervisor to ensure the scheduling. It doesn't say anything else, it just says he has to check with his supervisor as far in advance so the schedule can be adjusted.

Council Member Fenner stated but the eligibility in the paragraph above that says with supervisor's approval and in the past that approval has been if the supervisor felt like it, okay and if he didn't.

Chief Kinder stated do you want to take the supervisors out of the picture.

Council Member Fenner stated in terms of...

Chief Kinder Addresses Council/Changes In Personnel Policy

Chief Kinder stated let me give you a situation today. We've got one man off for a doctor's appointment, one man off with a bad back and one man in school. You don't have enough to fill the schedule and they want a personal day, do they get it?

Council Member Fenner stated then obviously the schedule can't be arranged accordingly so...

Chief Kinder stated then who tells him they can't have it.

Council Member Fenner stated you will.

Chief Kinder stated wait a minute, I'm a supervisor. You're taking the supervisors out of the picture. You're saying he doesn't have to have supervisor's approval.

Council Member Fenner stated it says that it has to be scheduled with supervisor's approval as far in advance as possible.

Chief Kinder stated yes sir, but if you don't get approval from the supervisor, who do you get approval from. Who's going to run the department, whether it's my department or Mark Warren's.

Council Member Fenner stated that's where I have a philosophy that you know, if our town employees, you know, we give them the opportunity to have personal leave, then it should be personal leave.

Chief Kinder stated it would be sir, as long as it doesn't interfere with the schedule, somebody has to have the word to say no and if you want to put the town board in there put town board in there and let them come to the town board, I'm all for that.

Council Member Fenner stated I don't think we are suggesting that but as I said, you know, I see it as something to correct, some things in the past of the, you know, the personal leave was not granted.

Chief Kinder stated sometimes it can't be granted because of the schedule.

Council Member Fenner stated I understand.

Chief Kinder stated but the supervisor is the one that has to do it and if you take the supervisor out then who says yes or no.

Council Member Fenner stated but it falls down to, I mean, you know, like I said, I'm not taking the supervisor out of the picture. I mean it says he has to schedule it with the supervisor.

President Broady stated it's my opinion that anybody that asks for a personal day should be allowed a personal day.

Chief Kinder stated I agree if there's any possible way, give it to them.

Council Member Fenner stated but it hasn't been that way in the past, it has not been implemented that way in the past.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 15.

Chief Kinder Addresses Council/Changes In Personnel Policy

Chief Kinder stated it hasn't been this way in the past sir.

Council Member Fenner stated my understanding was the intent was there in the past but it was interpreted differently.

Chief Kinder stated but it wasn't on paper. We went to Mr. Tucker several times for clarification. It's up to the board, it's not up to me.

President Broady stated vacation, you just took out that the part-time didn't get vacation, is that what we've done.

Chief Kinder stated the only thing that was changed was part-time were not eligible for vacation and then with the exceptions being that if they only have two weeks vacation, unless there are some unusual circumstances where they couldn't, then they'd be paid. I think that in the next to the last paragraph, pay in lieu of vacation for employees entitled to two weeks or less of vacation will not normally be permitted, it says with the exception being where the operating needs of the town would require temporary help to be hired or overtime to be paid.

Council Member Fenner stated and that's different from the last one you gave us.

Chief Kinder stated right it is.

Council Member Fenner stated the last one you gave us said town employees entitled to vacation time mayrequest pay.

Chief Kinder stated right.

Council Member Fenner stated okay and you've left out the entire thing about part-time employees.

Chief Kinder stated correct.

President Broady stated does everybody understand?

Motion made by Council Member Alexander to approve the amendment to the personnel policy as of this date which would do away with all of the previous and seconded by Council Member Voyles.

Council Member Alexander stated one reason that I'm letting it go was because for a year and eight months or whatever I preached team leadership, well it was preached back to be. When the three teams got together and put together some thing that was agreeable, which wasn't agreeable in the past and one thing that I believe in in Sellersburg is the supervisors, not enough times we don't listen to them so I commend them for getting together and being able to agree on something.

Vote 5-0.

Joe Goergen Addresses Council/Sewer & Water Revenue Report-EMC

Mr. Goergen stated I have the water and sewer revenue report and the monthly operating report. The only thing I have to report is our hydrant flushing is done, it went very well, they did a very good job on it.

Council Member Fenner Addresses Council/Obtaining Copies Of Permits Issued In Town

Council Member Fenner stated I mean anything other than request and I'm not sure how pertinent this really is. I guess it's kind of directed to Bob but probably to the council as well, should I mean, I'd be interested in getting an idea of how many of the different permits are issued in town just so we can keep track of what kind of development is taking place in town. I don't know Bob, do you give those to Linda and then can she give them to us or is there a way that we can get that just so that we have an idea of what's taking place in town.

Mr. Stewart stated there's not alot of development I can tell you that, if it hadn't been for Jay C this year there wouldn't of been much at all. In the past couple of months it's been mainly remodeling and electrical updates which makes us happy because so much of the wiring still has the old screw in fuses so we are happy to see the updates.

Council Member Fenner stated I'm just interested because I have people ask me all of the time about what's taking place with development in town and I say I have no idea and you know, I'd kind of be interested, I know there's no way to do this before it becomes more official, some of the other development that's being discussed, I think people in town are really interested in it. I don't want a long detailed list.

Mr. Stewart stated we can take care of that.

Council Member Alexander Addresses Water & Sewer Tap Approvals

Council Member Alexander stated one thing that I don't think comes to the town anymore is the approval for water taps and sewer taps. I haven't seen one for and I know we did 17 and I think what, there's no procedure as far as okay, the first person they are going to come in and see is Bob okay, and we don't have an actual check list as far as where do you go, I want to come into Sellersburg, how do I do it.

Mr. Stewart stated what I would like to see is a check off sheet where we all sign off on it.

Council Member Alexander stated as long as we all talk about it.

Council Member Alexander Addresses Yard Waste During November

Council Member Alexander stated the first thing I have is yard waste for November. Our ordinance is set up for bimonthly, twice a month and for the month of November, we want to make it unlimited, the number of bags. Do I need to do anything.

Attorney McCall stated you don't have to amend the ordinance, just notify the public.

Council Member Alexander stated okay through the month of November, everyweek you can put out unlimited for pickup, but you will have unlimited paper bags, put out as many as you want to get rid of, your leaves, this is something that was addressed last year and because we put the dumpsters up earlier which is this week also, through the month of November you can put out as many paper bags as you want.

Ms. Schafer stated you can use cans.

Council Member Alexander stated that's right, for cans you are still limited to the one can but the paper recycleable bags put out as many as you want and the dumpsters are out this week.

Mr. Stewart stated what about getting rid of old paint cans.

Council Member Alexander stated yes, call the Solid Waste District and they have either a place that you can take it or they have a place, recycling or what ever.

Mr. Stewart stated is that something new.

Council Member Alexander stated no they've had it.

Mr. Stewart stated I called awhile back and they told me they didn't take them.

Council Member Alexander stated they had something.

Council Member Alexander Addresses Being Over Amount On Electricity-EMC

Council Member Alexander stated something that Joe had brought up about the compensation. We had talked about it a little bit on the electricity out at Covered Bridge as far as when EMC came in, looking over their contract, I need to have a number but I would like to at least tonight just kind of fill everyone in so we can see what the number is. They were 7000 over on electricity, which is a small portion of that was due to the extra out there so I did want to mention that and let Joe present something.

Council Member Alexander Presents Claim/Jacobi, Toombs & Lanz, Inc., Mapping Hill N' Dale

Council Member Alexander stated John on this one voucher for Hill N' Dale, can I approve it and just have him give you another voucher. It's under mine and it needs to be water, back about three months ago I asked to have Hill N' Dale mapped over by, who owns what for the water lines and I have a bill here for \$430.00 for professional services.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 18.

Council Member Alexander Presents Claim/Jacobi, Toombs & Lanz, Inc., Mapping Hill N' Dale

Motion made by Council Member Alexander to approve the claim from Jacobi, Toombs and Lanz, Inc. in the amount of \$430.00 and seconded by Council Member Voyles.

Vote 5-0

Council Member Alexander Addresses Sewer Tap Charges

Council Member Alexander stated I left you all some copies of sewer tap charges for the surrounding communities. We are low and I want to advise anyone who wants to build a new subdivision that tomorrow is a good time. Sellersburg, one thing that I heard when I was investigating is from some of the developers, where is Sellersburg. Well it's like we're open for business okay, we've heard how many taps we did last year. We didn't realize how small it was, it kind of makes me wonder what's going on here and as far as in the town boundaries there's nothing we can't provide and Sellersburg is open for business and we've been relatively cheap would be the word as far as coming in to the town but what we've noticed is the capacity of the sewer plant has reached over 50%. We've got 50% of this capacity is going to be left and we have to start developing and planning in order to increase the capacity whenever it reaches it's fill and one way to do it is through your tap ins. We haven't really put a number down to see what the capacities were which we hope to do within the next year but in looking at the various communities around us we are at force 470.

President Broady stated 450.

Council Member Alexander stated 450 and just right across 60 in Clarksville, they are at 1200 so I gave you some information to review. The reason behind it is not just to catch up with everybody but it's time for Sellersburg to start looking at our capacity needs and to better align ourselves for the future.

Council Member Alexander Addresses Posting Available Position/CDL License

Council Member Alexander stated we are publishing for a new employee after Mr. Harper quit, for a street department/sanitation laborer who will be willing to get a CDL license, something I want you to think about, one thing I'm requiring them to have this license but I'm not giving them anything if they acquire them and I would like the council to, I brought it up during the budget, some token, a quarter, fifty cents, something that says hey, you got this license for a reason. You know you've reached a status in your department or something.

Council Member Alexander Presents Corrected EMC Voucher From Last Meeting

Council Member Alexander stated there was a correction on the voucher paid to EMC from the water department. There was a correction on it that lowered it \$47.27. It was approved at the last meeting for \$7352.43 to, I mean \$7399.70. The total was \$7352.43.

Motion made by Council Member Alexander to approve such correction and seconded by Council Member Voyles.

Vote 5-0

Clerk Treasurer Schafer Presents Claim From Sellersburg Volunteer Fire Department

Ms. Schafer presented the claim from the Sellersburg Volunteer Fire Department for permits and inspections for the past month and stated they had been verified in the amount of \$1,394.72.

Motion made by Council Member Eddings and seconded by Council Member Eddings to approve the claim as presented.

Vote 4-0, with President Broady previously excusing himself from the meeting.

Clerk Treasurer Schafer Addresses Universal Uniform Contract

Ms. Schafer stated I've been doing some checking into the contract and I would like the council's permission, maybe I should wait on him to see if we would be able to do away with the contracts for the uniforms. The guys seldom wear the uniforms and we're charged for the cleaning expenses. When they leave, we aren't having a bad time with it but it's hard for them to find the uniforms that were issued to them. I had talked to the person that delivers the uniforms and he said he did pick up a couple even though we are still charged for all of them, as I said they seldom wear them, if we can't get out of the contract, even leasing uniforms and allowing the employees to maintain the laundry part of it may be acceptable for the term of this contract but maybe recommending to the council even if \$300.00 per year as a uniform allowance and maybe going through New Hope which do these types of T-shirts with the town seal or logo on them and purchasing a jacket and jeans would be more comfortable for the workers and they would be in more uniform than what they are now for, I would say at least half the cost that it's costing the town now for something that they are not getting the full benefit from. I've been shopping around, I did see these mats at Value City. My clerks have cleaned this building, we mop and scrub everything at least once a week inside this building. We do lease these per week or every time they pick them up and they are right at, I think about \$4.00 for cleaning and that's when it would be more economical to, since we do have alot of carpet within the building, to purchase a cleaner and buy our own mats and allow the, allow us to do the cleaning and save that money so I'd like to have the permission of the council or maybe a council member to check into...

Council Member Alexander stated I agree with Linda and one thing, during the summer especially the uniforms are hot and a knit shirt would be better so I would like to have Perry check into the contract before we do anything and see what our obligations are.

Ms. Schafer stated it is for 156 weeks and this is the charge.

Council Member Fenner stated has anyone talked to the employees to see what they think.

Council Member Alexander stated yes and basically it's affecting the street and sanitation.

Ms. Schafer stated it won't affect the police department because obviously they have a different type of uniform than the rest of the town.

Council Member Alexander stated basically what we are looking at was the knit shirts and having a blue jean allowance, a standard, not having everybody in a different color like they are now. Right off the top I think we saw what, a \$2500.00 to \$3000.00 savings.

Clerk Treasurer Schafer Addresses Universal Uniform Contract

Ms. Schafer stated oh yeah at least with the mats and I didn't price them but it's the same thing that we have here in the entry way and it doesn't matter with the cleaning that we do in the building. You know what's wrong with us vacuuming and periodically steam cleaning those with the machine. We have plenty enough money in our cleaning service since we're not paying for that service to run that machine over that carpet.

Council Member Alexander stated I think our first step, if everyone is agreeable, is to see what our obligations of the contract are.

President Broady stated I think everybody agrees. We'll have Perry check the contract out and get back with us.

Clerk Treasurer Schafer Addresses Change In Dr. Bizer's Vision Plan

Ms. Schafer stated I had a call from Bizer's Vision World and we do have a plan that's 100% paid by the employees to save on eyewear. They said since we had 9 employees out of the 29 or 30 civil employees that we had participating in the plan that we really shouldn't of been offered the plan anyway, they gave us an option of an alternative plan for vision that's really not as good of a plan but I would like to have the council's permission to offer it to the supervisors and the employees to see if they want it or if they don't or if they just want to drop what they have.

Council Member Fenner stated so they are dropping us.

Ms. Schafer stated they are dropping us from the plan. The 303 plan and it was an excellent plan with little cost to the families. We contribute 100%, to a 313 plan where you know, I compared with my family and it would cost right at \$500.00 if everyone wore glasses. It's really not that good of a plan but that's my personal opinion and maybe someone else that has a family may choose to take this type of thing. I don't mind withholding and being the plan administrator if the council will allow me to give the employees an option. They can't have this, it's out as of October 31st. If they would like to participate in this plan I don't mind. It would be a one time \$15.60 a year for the family or a one time single \$6.00 and this would also make the part-time employees eligible and it's at no cost to the town, strictly something that the employees participate in.

Clerk Treasurer Schafer Presents Claims For The Civil, Water & Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the last two week period.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Voyles.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 21.

Attorney McCall Presents Amendment To Ordinance 96-653/Transfer Of Appropriations

Attorney McCall stated at the last meeting we passed an Ordinance 96-653 and again Chief I was gone last week so I didn't understand if I made the mistake or if it was just transcribed wrong, anyway the number 213 as opposed to 233 so I ask you to amend Ordinance 96-653 to make that change.

Amended Ordinance 96-653 as follows:

ORDINANCE NO. 96-653

AN ORDINANCE FOR THE APPROPRIATION OF FUNDS FOR THE
TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined it is necessary to transfer funds from one account to another account in order to meet the everyday needs of the Town of Sellersburg Police Department; and

WHEREAS, the Town of Sellersburg Chief of Police has advised the Town of Sellersburg Town Council that the transfer of funds is necessary to purchase additional office supplies needed by the Town of Sellersburg Police Department for the remainder of fiscal year 1996; and

WHEREAS, the Town Council for the Town of Sellersburg has considered said request to transfer funds and finds said request is necessary to continue the effective and efficient administration of Town Government; and

WHEREAS, this matter was considered in an opening meeting at which the public were invited to attend and participate.

BE IT HEREBY ORDAINED AS FOLLOWS:

A.) The Town of Sellersburg Clerk/Treasurer is hereby directed to transfer \$1,500.00 from Account 354, HEAT, to Account 213, OFFICE SUPPLIES.

B.) The Town of Sellersburg is hereby directed to transfer \$1,500.00 from Account 361, CLEANING & SUPPLIES, to Account 213, OFFICE SUPPLIES.

SO ORDAINED THIS 28 DAY OF OCTOBER, 1996.

Sellersburg Town Council
Regular Meeting
October 28, 1996
Page 22.

Attorney McCall Presents Amendment To Ordinance 96-653/Transfer Of Appropriations

Motion made by Council Member Eddings to consider the amendment, a clerical error, and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Eddings to approve the amendment to Ordinance 96-653 and seconded by Council Member Voyles.

Vote 5-0

Attorney McCall Addresses Council/Problems With Team Contractors-Storm Drain Project

Attorney McCall stated last meeting we were supposed to contact Team Contractors about two problems, one was at the park. Carl Kamer had come in and complained and then Doug was in at 803 E. Utica. I talked to John when he came back from vacation and he's been out there to look and looked at the one area Carl was talking about and said there was still some grumbling going on but he believed that when the grass was allowed to grow it would look good out there and as far as the other issued I don't think John found the extent of the complaint that was made. He can elaborate on that.

Mr. Toombs stated I went over and looked at the residence, on the corner the grass was growing. I didn't find boulders. I went to the park and they had filled all of the holes.

President Broady stated as far as your concerned the contractor has done what he was supposed to do.

Mr. Toombs stated as far as the park, until spring, when all the grass comes in you can't really tell.

Council Member Alexander stated will you call Mr. Reiter because there were big hugh rocks not exactly where see, where they dug the second time, that got alot better but up around the curb, that's alot of rock there.

President Broady Addresses Naming The Street Going Into The Waste Water Treatment Plant

President Broady stated we need to name the street before this meeting is over.

Council Member Eddings stated was Karen Storie on the board? If you put all of their ititials together you'd have Reads Street, Ridenour, Everitt, Adams, Dellarosa and Storie.

Council Member Fenner stated I don't think that works because Bob Adams took Karen Storie's place.

Council Member Voyles asked what about Division Street?

President Broady stated what about Development Way?

Mr. Stewart stated there is a Development Way in Amarillo, Texas.

President Broady Addresses Naming The Street Going Back Into The Waste Water Treatment Plant

Mr. Toombs stated when you send this boy out to check, he really checks.

President Broady stated okay I'll entertain a motion to name the street Development Way.

Motion made by Council Member Fenner to name the street Development Way and seconded by Council Member Eddings.

Vote 5-0

President Broady Presents Resolution 1996-40/Naming Town Street Development Way

Resolution 1996-40, A Resolution Of The Sellersburg Town Council Designating Name Of A Town Street as follows:

RESOLUTION NO. 1996-40

A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL
DESIGNATING NAME OF A TOWN STREET

WHEREAS, there is located within the municipal boundaries of the Town of Sellersburg a roadway leading from Bean Road North to the Town of Sellersburg Wastewater Treatment Plant which is currently not named by the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg now desires to designate a name for the roadway leading from Bean Road North to the Town of Sellersburg Wastewater Treatment Plant; and

WHEREAS, this matter was considered at an open meeting at which the public were invited to attend and participate.

BE IT THEREFORE RESOLVED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

That the roadway leading from Bean Road North to the Town of Sellersburg Wastewater Treatment Plant shall be designated and known from this time forward as Development Way, and all Town maps and records shall be changed to reflect the name of said Town roadway.

SO RESOLVED THIS 28 DAY OF October, 1996.

President Broady Presents Resolution 1996-40/Naming Town Street Development Way

Motion made by Council Member Eddings to approve Resolution 1996-40 and seconded by Council Member Fenner.

Vote 5-0

Chief Kinder Addresses Halloween Hours For

Chief Kinder stated Thursday has been designe
to 9:00 p.m. This will be Thursday night c

rom 6:00p.m.

Clerk Treasurer Schafer Addresses Budget He

Ms. Schafer stated also that's our budget h
so if anybody wants to go they're welcome,
Halloween Day.

m sorry,
a.m. on

*Need to
Sign
Please!*

Adjournment

Motion made by Council Member Voyles to adjourn this meeting and seconded by Council Member Eddings.

Vote 5-0

With no further business this meeting was adjourned by President Broady at 7:56 p.m.

David Broady

Aulton D. Eddings, Jr.

Kenneth Alexander

Gary Fenner

William Voyles

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

November 11, 1996

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: David Broady, Council President; William Voyles, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with Gary Fenner, Council Member and Aulton D. Eddings, Jr., Council Vice-President, being absent.

Called To Order

President Broady called the Executive Session to order at 6:05 p.m.

Topics Of Discussion

Remonstrance/Annexation
Equal Employment Opportunity Commission
Universal Uniform Contract
Jacobi, Toombs & Lanz Claim/Renz Ave. Sanitary Sewer
Jacobi, Toombs & Lanz Claim/Alabama Ave. Project
Storm Drain Bids/Irish Park
Change Order/Irish Park
EMC/Out Of Scope Claims
Street & Sanitation Salaries

Adjournment

With no further business, President Broady adjourned the Executive Session at 6:25 p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney, with Gary Fenner, Council Member, being absent.

Called To Order

President Broady called the Regular Meeting to order at 6:33 p.m.

Prayer

The prayer was dispensed with for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Voyles.

President Broady stated are we getting the minutes in enough time for everyone to go over them.

Council Member Alexander stated that was a long one.

Vote 4-0

Michael Houghton/Reliable Cab Company Addresses Council

Mr. Houghton stated I'm with Reliable Cab Company. We just started a new cab company in Clarksville. I wanted to talk to the board members to find out the need for a cab service in Sellersburg. I know you don't have a cab service and work with you to set the ordinances for cab companies and hopefully get a cab company up here. We can't promise you service right now because we are still a small company but we want to work with you and as we expand we want to gradually get through here and all of Clark County and all of Floyd County.

President Broady stated are you all in Floyd County now.

Mr. Houghton stated yes we are sir, we are licensed in Jeffersonville, Clarksville and New Albany at this time.

President Broady stated do we not have an ordinance covering cab service.

Attorney McCall stated it was probably a year and a half ago an ordinance was sent around for a interlocal agreement between Jeffersonville, Clarksville and New Albany for a cab service.

President Broady stated are we on that.

Attorney McCall stated we never executed it. I don't even know if it went through at that point with the other townships but we didn't sign on. It was presented and I've still got a copy of it, of that agreement and I know that Jeffersonville sometime in the recent past, did do something with the cab service but what that was I don't know.

Sellersburg Town Council
Regular Meeting
November 11, 1996
Page 3.

Michael Houghton/Reliable Cab Company Addresses Council

Mr. Houghton stated I can tell you. We've been working with the city for about four or five months. They ratified the amendments to the ordinances that if you are licensed in one of the municipalities you are licensed in all three. They also added mandatory drug testing for all of the drivers and owners of the cab companies. They also added several other things. I can bring copies to the next meeting here so you guys can see what the changes are in case you want to match their ordinances. We do think the mandatory drug testing is important for the safety of the people.

President Broady stated Perry why don't you dig out the ordinances, say you've got a copy? If you want to dig them out and check them out and you can come to the next meeting if you like and you are requesting cab service.

Mr. Houghton stated no I am not at this time. We are handling the Days Inn in Sellersburg because they needed service right away so they do call us right now and All Points Trucking because they have drivers that have to go to Clark Memorial Hospital and to the bus station, those are the two areas we are covering right now. I did want to let you know that. We are not taking within Sellersburg. We can't do that without authorization from the city.

President Broady stated I'll let Perry research that then and see what the need would be and check back with us at the next meeting.

Mr. Houghton stated we are a very good cab service and try very hard to make sure everything is legal. What we would like to find out exactly if you could find out for your city what are the needs. If the cities needs are to have two cabs running all the time that's what we plan on doing, if the city needs three cabs, that's what we plan on doing. We need to have a basic idea of what services are needed here because we checked out Jeffersonville, Clarksville and New Albany. We knew what was needed. We don't know what's needed here. We haven't had a chance to look at it and you would know better than any of us would ever know. That's why we go through the city councils to make sure that everything is kosher. We want to work with you and the police department.

President Broady stated okay, we'll do some research and try to have some answers.

Mr. Houghton stated when is your next meeting.

Ms. Schafer stated in two weeks, the second and fourth Monday of the month.

Joe Goergen/Environmental Management Addresses Council

Mr. Goergen stated I've got the revenue report and I forgot the voucher that goes with this claim from the water department on my desk.

Ms. Schafer stated give me a blank voucher, this is all water, right Joe?

Mr. Goergen stated yes.

President Broady stated anything else Joe.

Joe Goergen/Environmental Management Addresses Council

Mr. Goergen stated no, you have some questions for me.

President Broady stated yes, there were three numbers that we have.

Ms. Schafer stated okay I paid Water Works with check number 12369, \$1,009.19 billed directly to the sewer operating account for the Virginia Avenue, where the sewer had backed up in the Spring and I was billed directly for Water Works. We are still waiting on a bill from Thorn Orwick for that job, is that correct?

Mr. Goergen stated right, that's for that sewer correction on Virginia over in Speed. The anticipated cost is over \$2,000.00. It was approved, I think the original change was approved in June, May or June of last year and we rerouted it in a different direction and what this is, this is just the pipe and manhole. What I did was turn the invoice in before it was past due and Linda and I talked about this. If I hadn't billed the town directly, we would of had to pay sales tax on it.

Ms. Schafer stated check number 17636, it's where a hydrant was hit from Burlington Motor Carriers. We are waiting on a check. That's the material for the new hydrant from Water Works so we are going to get reimbursed.

President Broady stated we are paying that one there and it will be reimbursed.

Ms. Schafer stated yes, Bonnaville is working on it. Payment to Water Works for \$3,297.88 for The Pointe and also Estes Excavating check number 17639 for \$2,900.00. We have received compensation for that. This is more or less a wash. We have received the money in. The difference is like five dollars and something so that may be a question, do we want to refund it or it's so close.

Mr. Goergen stated it was a new tap and it was to cover the cost of the tap and he paid the town.

Ms. Schafer stated there's one more, repair to Well #2 to Layne Christensen Company, check number 17638 for \$2,424.00 which it's out of scope, it is over the \$2,000.00 limit.

Mr. Goergen stated Well #2, the motor went out in it.

Ms. Schafer stated so that covers everything.

Council Member Alexander stated so these come in on a voucher.

Ms. Schafer stated yes, we get them on a voucher, put them on the list for approval and I needed to know what they are so I requested from EMC if they would give me an explanation in a simple letter form for which project that it is and the reason.

Council Member Alexander stated but the voucher doesn't require our signature.

Ms. Schafer stated not necessarily, you are approving it on this, either you have to have a signed voucher or it has to be on the list but if you don't know what you're signing.

Sellersburg Town Council
Regular Meeting
November 11, 1996
Page 5.

Joe Goergen/Environmental Management Addresses Council

Mr. Goergen stated Linda and I had talked about this, there were several things that had come together and I wanted to know what was the best way to handle it.

President Broady stated okay.

Mr. Goergen stated if you want it different.

President Broady stated as long as, if you've got something we can look at and just a refresher of what we did.

Mr. Goergen stated sure.

President Broady stated everything else alright?

Mr. Goergen stated yes everything's going alright, we're waiting on some easements and the weather, other than that everything's going good.

Council Member Eddings Addresses Looped Water Line-Service Drive & North Fern Street

Council Member Eddings stated about two meetings ago we discussed a small project up at Larry Gilbert's Industrial Park up here, where he had extended the water line all the way back to Service Drive. He put a new building in and he was going to put his driveway in to service his building. When it was time for us to connect to the water line over on Fern Street off of Service Drive and we needed to do it right away so we wouldn't tear up his driveway between the buildings and I remember talking about it a couple of meetings ago and we decided to go ahead and do it and at that time Larry had agreed to pay for that portion that went underneath his driveway, since that time, I think that Larry or we had assumed that meant he was going to pay for all of it and what Larry was trying to say is he would pay for his share and since that time I've talked to Larry and he is giving up his easement rights for the entire water system up and down Service Drive and he feels like the town should pay for all of it. The cost of doing the whole thing is \$2772.00. Larry's share for doing the portion of his property of going through his driveway would be \$1141.29 so when we first went into the project we agreed to pay \$1630.61 and now Larry feels like we should pay for the rest of it because he's giving up all of the easements for both water systems running up and down Service Drive and across his property back over to Fern Street, which all of Fern Street and Kahl Court will receive additional water pressure. You are looping in a system there that makes that whole area right there alot better, so it's up to the board. Larry probably would pay for the \$1141.00 if asked to or forced to however he is giving up quite a bit of property for easements on Service Drive and across his property over to Fern Street, if you put a dollar value on it, those easements, it would be a pretty high dollar amount.

Council Member Alexander stated going up and down the drive, I mean if he wants to build back there he'd have to give up easments anyway.

Council Member Eddings stated but there's property up and down through there that's not his property.

Council Member Eddings Addresses Looped Water Line-Service Drive & North Fern Street

Council Member Alexander stated right.

Council Member Eddings stated but if he wanted to get sticky about it he could hang onto the easements and land lock alot of people.

Council Member Alexander stated right but I mean, it would be a battle between those people and him. I don't understand how it effects the town.

Council Member Eddings stated well because if that property could be sold it would be businesses and people could go to work.

Council Member Alexander stated right I mean his building is the furtherest one back and it services that building and without the water line and the easements going back through there could he of built that building.

Council Member Eddings stated yes but he doesn't have to give those easements up to allow other people to develop back there. He's doing that for the town or would do that for the town.

Mr. Goergen stated I spoke with him and he's going to do a 20 ft. utility easement.

Council Member Eddings stated I think Larry is being way more than fair and he's not wanting to land lock anybody in, there's property he owns on both sides of Service Drive. Their property will increase dramatically. There won't be any residential moving in there. The only people that would come in would be businesses that may be able to provide jobs.

President Broady stated it's my understanding he has nothing to gain from this either.

Council Member Eddings state none what so ever. The discrepancy is that we agreed to pay for after he gets underneath his driveway so he could have water pressure for this sprinkler system after he gets by that we agreed to pay to connect to Fern Street which was \$1630.00 and the grand total for the whole thing is \$2772.00 and to me it's worth it to get all of the easement rights up and down both sided of Service Drive and connect to Fern Street.

Council Member Alexander stated I think with these easements, will that put a burden on our department as far as being able to take care of the ditch without having the road.

President Broady stated if he gives us a 50 foot right of way you've got the ditches.

Council Member Alexander stated that's what I mean, no part of that is part of the town so am I taking on the burden of the ditch without the road.

Council Member Eddings stated no, we should get the road at that time as soon as the easements are turned over.

Council Member Alexander stated that's not what he's doing, he's just giving us the ditches.

Council Member Eddings Addresses Looped Water Line-Service Drive & North Fern Street

President Broady stated no here's what he's giving us. The original plans called for a 50 foot right of way going back to his development area okay, well it ended up he had approximately 70 or 75 feet okay and he requested to the town and we approved the 50 foot right of way okay, when we got ready to approve, the town, we went back and asked him to go ahead and deed that from entrance instead of 50 foot to make it the complete 75 and the reason being because that way anyone that wants to move in along that road would have, be on town property and tap into sewer and water and right of way, well Larry had envisioned getting some of his money back, he was going to keep the 15 feet and that way if you bought the property there then you were going to have to deal with him monetarily to get across that to get on the sewer and water and use that road and so what he's doing now is giving that up and I understand the town's position and I will give that back and let it be a 75 foot right of way through there which we own from the edge of the property to the edge of the property and he gave up any rights he was going to try to recover back.

Council Member Alexander stated so we are taking in the road then, is that what we are doing.

President Broady stated yes.

Council Member Alexander stated the only problem I have with that is that road at the very beginning was suppose to get the traffic off of Fern Street and we are not, the town gains nothing by settling now.

Council Member Edding stated I have a business back there and buses, school buses go up and down all of the time.

Council Member Alexander stated but it doesn't link, it was suppose to link the new park to East Utica because the traffic on North Fern is, that road is not adequate. His road is adequate and by taking it in now without us having the right of way to be completed, I think it's a little premature. Why would you want to give it up later if I'm already taking care of the road.

President Broady stated I think we've already committed ourselves on that when he brought it before the board he was going to develop an industrial park which he has and we approved the plans and basically said if you build to our specifications we'll take it. I understand where you are coming from.

Council Member Eddings stated eventually that's going to happen.

President Broady stated but we did not request it, nor demand it.

Council Member Alexander stated so if this is something that's already been approved why are we approving it now.

Council Member Eddings stated it's the money difference now.

Council Member Alexander stated I mean on the easement part that's already been approved, I mean the road is already in town then.

Sellersburg Town Council
Regular Meeting
November 11, 1996
Page 8.

Council Member Eddings Addresses Looped Water Line-Service Drive & North Fern Street

President Broady stated the road is in the process of the town taking it over, it would of already been done except the town requested the other 25 feet for additional easements rather than the 50 that we approved so he gave us that and he gave away any rights he had to recoupe off the ground to the edge of that road is what he's giving back to us and the water line does not have anything to do with that.

Council Member Alexander stated I don't have any problem with the money on the water line the problem I have is taking over the road knowing without having the rest of it there, I mean it's a dead end street.

Council Member Eddings stated our objective was not so much the park issue as it was to develop an industrial park to bring businesses in.

Council Member Alexander stated the roads already been approved then.

Council Member Eddings stated yes, what we are after now is to make sure he give us enough easement so that the additional property up and down Service Drive can be used for industrial development.

Council Member Alexander stated so we are going for additional easements, not the road because as far as I know the road is not in town.

Mr. Toombs stated the land is in town.

Council Member Alexander stated right, but the road, I just want to make sure I know what I'm voting on because if I have to bring the road into town I won't agree to bring it in unless it goes all the way back and has the right of way there for the park because I know it's never going to get done and I live on that street and if you lived on that street, over on Fern, the traffic, I know that road is not going to be done and the next issue we're going to have to deal with is no parking on Fern Street.

Council Member Eddings stated you have to admit it did alleviate alot of Larry's truck traffic.

Council Member Alexander stated no it didn't, a truck hit the pole last week, it's all the same.

Council Member Eddings stated you're telling me every truck Larry has goes up and down Fern Street.

President Broady stated there shouldn't be any trucks on Fern, there should be no trucks going back there.

Council Member Alexander stated there's trucks.

Council Member Eddings stated you're telling me nothing has changed, every truck Larry has...

Council Member Eddings Addresses Looped Water Line-Service Drive & North Fern Street

Council Member Alexander stated I'm not saying nothing has changed but I mean it's still not what I would call utopia as far as the people that live along that street I mean when it's softball or baseball season.

Council Member Voyles stated we're not talking about the park.

Council Member Eddings stated we're jumping from trucks to the park.

Council Member Alexander stated it both comes hand in hand.

President Broady stated first of all we're not talking about taking the road in tonight anyway, that's just information the only thing we are discussing tonight is the water.

Council Member Alexander stated so there's no easements attached to this.

President Broady stated we aren't talking about any roads or nothing, the only thing we are talking about is the water.

Motion made by Council Member Eddings to pay for the 6" water line including the two taps from Service Drive over to Fern Street in the sum of \$2772.00 and seconded by Council Member Voyles.

Ms. Schafer stated is that Joe Reschar and Water Works. Joe does that include the Joe Reschar bill and Water Works we're expected to get.

President Broady stated Joe Reschar is going to install it, is that correct.

Mr. Goergen stated Joe Reschar is just doing the taps on either end.

President Broady stated okay and the town is going to do the work themselves.

Ms. Schafer stated so Water Works is the materials.

President Broady stated this is the maximum \$2772.00 okay and Larry is donating the easements.

Mr. Goergen stated and that easement is not the road.

President Broady stated no it has nothing to do with the road.

Vote 4-0

Council Member Alexander Addresses Bids Taken On Hill N Dale-Alabama Ave. Project

Council Member Alexander stated John took bids on the Hill N Dale, Alabama Avenue Storm rain Project which is over at Kahl Court, do you want to get that and get this approved.

Council Member Alexander Addresses Bids Taken On Hill N Dale-Alabama Ave. Project

Mr. Toombs stated I think everyone's got a copy of this letter. We talked to nine contractors, four of them picked up plans, two of them actually bid. Our estimate was \$22,000.00. The low bid was \$18,740.00, the second bid was \$18,892.00, so I'm here to recommend that you award the Alabama Avenue Storm Drain, which is Ms. Daily's backyard problem, among other things, \$18,740.00 to Irish Park Inc.

Motion made by Council Member Alexander to award the Alabama Ave. Storm Drain Project to Irish Park Inc. as low bid on this project and seconded by Council Member Voyles.

President Broady stated the funds are coming out of?

Council Member Alexander stated storm drain.

President Broady stated are you going to try and do this this fall.

Mr. Toombs stated it says they can begin 15 days from the notice to proceed which will be tomorrow morning at 9:00 a.m. and it will be done 15 days after that.

Vote 4-0

John Toombs Addresses Catch Basin To Be Put In By The Old Sellersburg Lumber

Mr. Toombs stated there are a number of other drainage problems that Ken and I and Mark Warren have been out and looked at and one of them is a hole over on the north side of Indiana Ave. between the car wash and the old Sellersburg Lumber and so I went over there and looked at it, it's about 10 feet by 12 feet and there's a pipe coming in and there's a big hole and a pipe going out with a little fence going around it so what we propose to put a catch basin in the middle of that a little bit close to the road and connect pipes into it, fill the thing up with gravel and pave it so we'll have a swale instead of a big hole so I got a price out of Irish Park which would mean that we would write a change order to the contractor that was awarded for \$2,620.00 to fix that problem and that money would also come out of the storm sewer so I'm here to recommend that to also approve that.

Motion made by Council Member Alexander to approve the change order to Irish Park for \$2620.00 to take care of the catch basin on Indiana Ave. and seconded by Council Member Eddings.

Vote 4-0

Council Member Alexander Presents Claim/Jacobi, Toombs & Lanz, Inc.

Council Member Alexander presented the claim from Jacobi, Toombs, & Lanz, Inc. in the amount of \$534.00 for Job No. 8823-C1, Renz Avenue Sewers.

Motion made by Council Member Alexander to approve the claim in the amount of \$534.00 and seconded by Council Member Voyles.

Vote 4-0

Sellersburg Town Council
Regular Meeting
November 11, 1996
Page 11.

Council Member Alexander Presents Claim/Jacobi, Toombs & Lanz, Inc.

Council Member Alexander presented a claim from Jacobi, Toombs & Lanz, Inc. in the amount of \$2,549.00 for plans, specs. and survey for design and bidding of Alabama Avenue Storm Drainage Project in the amount of \$2,549.00.

Motion made by Council Member Alexander to approve the claim in the amount of \$2,549.00 and seconded by Council Member Eddings.

Vote 4-0

Council Member Alexander Addresses Open Burning In Sellersburg

Council Member Alexander stated there's been some literature, I guess about open burning. There is no open burning in Sellersburg. There is some change of law out in the county. They say contact your county representative to find out exactly what the changes are. Sellersburg doesn't have any.

Council Member Eddings stated no recreational fires.

Council Member Alexander stated well recreational fires, wiener roasts, they're okay.

Attorney McCall stated there are some exceptions.

Council Member Alexander stated right, farmers can burn fence rows. We have a yard waste program and we will continue to have a yard waste program.

Council Member Alexander Addresses Possible Salary Changes/Street & Sanitation

Council Member Alexander stated we also have, you've all got in your box a copy of adjustments that I would like to recommend for the street & sanitation department as far as wages. Since there's not five of us here I would ask that you look over these recommendations and we shall persue them when we next convene.

President Broady stated basically a laborer and crewleader's pay would be increased and a CDL would be increased.

Council Member Alexander stated right.

Clerk Treasurer Schafer Addresses Bids On Certain Town Vehicles

Ms. Schafer stated we did publish and accept bids on the 88 Ford LTD Crown Victoria, the 1986 Chevy Pickup and the street sweeper. I've given everybody a copy and I did qualify the highest bidder. The council does have the right to reject all of the bids so I have held a \$150.00 deposit on these. Mr. Guthrie had the highest bid on all of the vehicles but the council has the right to accept his offer or decline on one or all of them.

Clerk Treasurer Schafer Addresses Bids On Certain Town Vehicles

President Broady stated what's your comment on the street sweeper?

Council Member Alexander stated on the street sweeper, we can keep it.

Motion made by President Broady to accept Mr. Guthrie's offer on the 1988 Ford LTD Crown Victoria for \$405.00 and also the 1986 Chevy Pickup for \$779.00 and seconded by Council Member Alexander.

Vote 4-0

Motion made by President Broady to reject the bid from Mr. Guthrie on the street sweeper for \$359.00 and to take under advisement where to go from here on it and seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Presents Claim From EMC-Monthly Expenses

Ms. Schafer presented the claim from EMC for water department expenses, meter deposit refunds, NSF checks, September sales tax, quarterly sales tax and water tap cost in the amount of \$6,439.46.

Motion made by Council Member Eddings to approve the claim in the amount of \$6,429.46 and seconded by Council Member Voyles.

Vote 4-0

Clerk Treasurer Schafer Presents Claim From The Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period and requested a motion to approve the claims as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Voyles.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Budget Hearing

Ms. Schafer stated our budget was acceptable. Kenny tried to find something wrong with it but it was fine.

Council Member Alexander stated I had a opportunity to go down there with her to the tax commissioners and after watching the other towns and some of the schools go through there I think we should be proud of who we have taking ours down there. We went in and came out and everybody else was still sitting there scratching their heads wondering how they came up with it.

Sellersburg Town Council
Regular Meeting
November 11, 1996
Page 13.

Clerk Treasurer Schafer Addresses Council/Budget Hearing

President Broady stated thank you Linda for doing a good job.

Ms. Schafer stated we did good, you're welcome.

Jack Hunter Addresses Council/Drainage Problems 449-451 North New Albany Street

Mr. Hunter stated I'm sorry, I apologize, I didn't know what time the meeting started. I'm here again about the drainage at 449-451 N. New Albany. The last time I was here is when you all were installed last January and you were going to get back with me and so forth so I thought I would bring this before you again and see if we can't reach some sort of compromise. These are pictures of the water that comes down that line, you are free to keep them, it runs down across the street and my parking lot.

President Broady stated do we have the manpower to jackhammer across there and take care of it. Will you furnish the storm sewer if we do the work?

Mr. Hunter stated yes sir.

President Broady stated you've got a deal.

Motion made by Council Member Eddings that the town would furnish the labor and Mr. Hunter would furnish the storm sewer and seconded by Council Member Voyles.

Vote 4-0

Mr. Goergen stated do you want it to run all of the way to the creek?

President Broady stated I want it far enough to drain past his property.

Mr. Goergen stated there are apartments past his.

President Broady stated yes but they have to put in a storm sewer to build that. They can not close that ditch.

Attorney McCall Addresses Letter From Indiana Association Of Cities & Towns

Attorney McCall stated I just have this one letter that Linda put in my box from the Indiana Association of Cities & Towns, basically it's a request from the Indiana Association of Cities & Towns to allow a .03 per capita from each township across the State of Indiana up to a maximum of \$5000.00 for the purpose of them hiring a lobbyist on behalf of the Indiana Association of Cities & Towns for franchise fees. That deals with telecommunication, cable, long distance, it appears there has been some deregulation in 1996 which will open the whole thing up for debate. They believe they need a lobbyist. They are asking you to participate. If you do they'd like .03 per capita up to a maximum of \$5000.00 and the unspent amount would be refunded on a prorata basis.

Attorney McCall Addresses Letter From Indiana Association Of Cities & Towns

Ms. Schafer stated our portion is like \$172.00. I know it's under \$200.00. Five Thousand nine hundred fourteen is the population of Sellersburg. We currently do receive a franchise fee from Insight Cable annually so it may be to the towns best interest.

Council Member Eddings stated what would it come out of.

Ms. Schafer stated we have miscellaneous service.

Attorney McCall stated they are requesting that you agree or disagree by the 21st.

Council Member Alexander stated do we have a guarantee they'll do something for us?

Attorney McCall stated a guarantee they'll do something? There won't be a guarantee as to the outcome, a guarantee that you'll have a lobbyist to represent small towns.

President Broady stated I really don't have an opinion on it.

Council Member Alexander stated it might be good but are they saying if we don't pay they'll do it for everybody but Sellersburg?

Council Member Eddings stated we could not pay and get all of the benefits but if everybody takes the same action you won't have a lobbyist.

Attorney McCall stated this has probably gone to every town and township and city across the State of Indiana in hopes that out of those numbers a certain amount will reply.

Motion made by Council Member Eddings to approve paying Indiana Association of Cities & Towns for the lobbyist and seconded by Council Member Voyles.


Vote 4-0

Adjournment

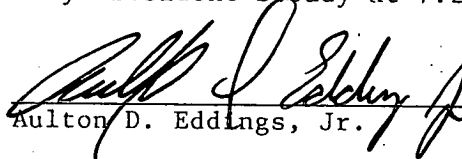
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 4-0


With no further business this meeting was adjourned by President Broady at 7:21 p.m.



David Broady



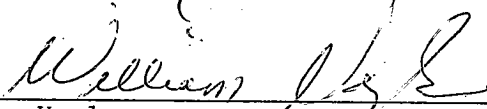
Aulton D. Eddings, Jr.



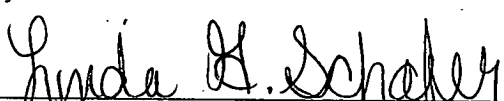
Kenneth Alexander

Absent

Gary Fenner



William Voyles



Attest: Linda G. Schafer, Clerk Treas

SELLERSBURG TOWN COUNCIL

November 25, 1996

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Broady called the meeting to order at 6:34 p.m.

Prayer

The prayer was dispensed with for this meeting.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes Of Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Eddings.

Vote 5-0

Attorney McCall Addresses Cab Service In Sellersburg

Attorney McCall stated regarding cab service in Sellersburg. I got a hold of the City of Jeffersonville and had them pull their cab ordinance. I only got part of it but they have amended it. They set a fee schedule and various requirements they have to meet before they can perform the cab service, as soon as I get that, if your interested in the cab service we can put that in place.

President Broady stated I think the board in general would like to see a cab service come in. Have you spoke with him?

Attorney McCall stated I haven't contacted him but I've got his number. He left a card. If you remember months ago they were trying to get a uniform cab ordinance and about three of the townships or cities came in with that uniform ordinance and this is what it's modeled for, Clarksville, Jeffersonville and I think the City of New Albany.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 2.

Attorney McCall Addresses Cab Service In Sellersburg

President Broady stated we do have some sort of ordinance for a cab now do we not Linda?

Ms. Schafer stated I'll have to look.

Attorney McCall stated we have something very basic.

President Broady stated so you'll have this probably next Monday or not next Monday, next meeting?

Attorney McCall stated yes, next meeting.

President Broady stated I think it's a good idea.

Joe Goergen-Environmental Management Addresses Council

Mr. Goergen stated I just have a couple of things. There was a problem with the last voucher but we corrected it with a reduction of \$653.00 and that's a copy of it. I just wanted to make sure you were aware of that. I have the monthly report for October. We had a very good month in October. I also have our electrical report. Our contract, we are to provide an annual electrical update and discuss any revenues related to that. In the year 1995 from August 1 to July 31 of 1996, the electrical expenditures were \$135,991.70. It was \$24,187.00 in excess of the cap. There were two factors, one was the weather, the amount of rain and when it rains more there's infiltration into the system and we have to keep more pumps running and the other is the fact that with REMC power there is what's called a coincidental peak, when our peak coincides with their peak. There's a five and a half times the normal. What I'm proposing is that the council will approve or waiver of the \$2,000.00 cap so we can purchase a controller to help us shut equipment off during those peak times. It varies from month to month and times of day. It may be in the morning, it may be in the evening. The ones in the evening are ususally the ones that we are hit by. They average it at \$1,400.00 a month and by putting this controller in it could mean that the town could actually receive an electrical savings. On the second page I'd also like to point out I was informed last Thursday of a PSI increase in rates, not every one of our locations are the same rate increase. The third page should be July expenditures and I just did the locations where I was aware what the increases were for those locations. I don't currently have it for everyone of them. The current average is about 13.38% rate increase that was effective October 2nd. This is just mainly for your information.

President Broady stated two things, the rate increase that you are talking about was the electrical rate increase and how much was the percent on that?

Mr. Goergen stated 13.38%.

President Broady stated and I think you said that roughly that was about \$2,000.00 more a year.

Mr. Goergen stated right and the calculations that I show using last year. The power consumption from last year was \$9,770.00.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 3.

Joe Goergen-Environmental Management Addresses Council

President Broady stated and under our contract as I recall, the rate increase is absorbed by the town, is that right or how does that work?

Mr. Goergen stated we need to adjust the cap on the rates.

President Broady stated does everybody understand that? Then let's go back to the controller that would help you on the electrical problem. What we're doing now is buying electric when it's at it's cheapest which is at their maximum production, is that not correct or trying to?

Mr. Goergen stated well we are trying to buy it at their cheapest but what happens is when they are at their maximum production and that's our maximum consumption that's the highest and they hit us with a penalty rate which is five times higher than what the rate is normal so what happens is the one that hits us most often is when the plant isn't manned. If we can coincide or if I can get a controller that would shut non-essential equipment down during those periods of times we'd have a reduced demand during those periods of times. We'd reduce the amount charged and may miss the peak times all together.

President Broady stated what you're proposing is that EMC install this and what you're talking saving about \$8,000.00 a year?

Mr. Goergen stated \$8,250.00.

President Broady stated and then adjust the cap to, in other words, it wouldn't cost the town any money persay going out, just adjust the cap to cover the cost down the road is what we're doing?

Mr. Goergen stated right, I didn't want to adjust the cap at this meeting because I don't have all of the information from PSI and if some of the other ones come in lower, the lowest rate increase we have which is 8.2% at the water plant, all of the other ones were, the highest one was 16.1 at Camp Chalon no, Indiana, so I'm not, it depends on which rate class that the different locations receive.

President Broady stated does everybody understand the proposal?

Council Member Alexander stated I think it's a really good idea, I mean even though EMC is going to get the benefit. The town is getting an asset and they are taking the blunt, basically out of their M & R of what is allocated for next year they are going to end up eating the cost is basically how it works. It wasn't that much last year right? So I mean it will make them more conservative, it's coming out of their budget. This whole thing should tie into some of the pond stuff right?

Mr. Goergen stated yes and one of the things I'd like to call your attention to is page one. The October BOD and TSS graph, see the peak is way over the permit level. That did not cost us a violation because it was a one day incident but depending of how the rain hit, it causes such a surge that it impacts that and as long as it doesn't last long the monthly average keeps us within the limits but the potential is really there. Today we had eight tenths of an inch of rain and the flow went from .9 MGD at 10 o'clock to .4 MGD at noon.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 4.

Joe Goergen-Environmental Management Addresses Council

Mr. Goergen stated basically it stayed there for the remainder of the time I was there. That increase in flow volume was 444%. Ponds are going to help but this controller can also incorporate the addition of the ponds. The plant would have to adjust and bring in the pond and the controller would be able to do that.

Council Member Alexander stated I'll make the motion to...

President Broady stated I don't think he's got all of the, did you want to hold up, is that right Joe?

Mr. Goergen stated on the rate increase not the cap.

Motion made by Council Member Alexander that the request of the waiver of the \$2,000.00 cap on M & R expenditures be done away with so EMC can pay for the controller, installation, programming and wiring of \$8,250.00 and seconded by Council Member Voyles.

President Broady stated this waiver on the cap, is it a one time waiver for this?

Mr. Goergen stated yes.

President Broady stated a one time waiver for this item.

Vote 5-0

Joe Goergen Addresses Council/Position Open In Billing Office

Mr. Goergen stated I wanted to announce that we have an opening in our billing office. Grace Abbott left. I have a stack of resume's from the last time. I anticipate having someone hired by the second week in December.

Bob Stewart, Building Commissioner Addresses Council

Mr. Stewart stated Gary do you have your pencil ready? I'm going to read them to you. We had 5 new homes built, 5 new businesses, 2 modular homes, 4 garages, 4 swimming pools, 1 apartment house, we demolished one home and believe it or not we put in 1 mobile home even though there's an ordinance against it because the planning and zoning appeals granted a variance on one in Gillenwater Subdivision to get rid of a real eyesore down there. I have a copy of all of the reports from January up through October for you to look at. If you'll pass that back to me I'll make you a copy. I was out of the large paper. I also have some good news and some bad news. I'm going to give you the bad news first. The bad news is you haven't made any money this year at this point in time and the good news is it hasn't cost you any money. If we keep on you may make a few dollars in December. I'm not sure yet. You are 4499.00 from making some money. That's all I have.

Council Member Eddings Addresses Long Term Service Agreement From EMC

Council Member Eddings stated the only thing I have, everyone should of gotten a copy of the proposal from EMC on the long term service agreement. At this point in the process all of the numbers that were generated for review to the council members at this time have been agreed to by the state officials and EMC. What you have in front of you is a pretty accurate explanation of what the scope of the service agreement would be. What they are asking at this point is for everyone to review it. It's pretty straight forward and clear cut and if you have any questions what so ever if you'll please get a hold of Chris with your questions if there's anything you don't understand about the proposal. What we want to do is call for a vote probably at the next board meeting whether to continue with approaching this long term service agreement. If you do there's alot of legal work and stuff that has to be done through the State of Indiana. Should we decide to persue it we would be creating a liability for ourselves of at least 50% of the cost of, well the town would have to agree to pay 50% of the cost if we back out. If we do not sign the agreement and decide not to go forward with this. At this point in time everything that EMC has done, all of the work they have done has been for free. It says that the work will require significant manpower and financial effort by EMC and it's estimating the cost at approximately \$20,000.00. so by the next board meeting I'd like to get a vote on whether we want to take it to the next level. If you do decide to take it to the next level and then we back out and don't decide to sign the long term service agreement we would incur approximately \$10,000.00 worth of cost.

Council Member Alexander stated was Umbaugh shown 96 numbers?

Council Member Eddings stated he was shown 95 numbers, all of the comparisons were based on...

Council Member Alexander stated did he write those comparisons down?

Council Member Eddings stated yes, he's got all of that and you can probably call him too or call Chris to make sure first. You can call Umbaugh. They looked at the numbers and said you are comparing apples to apples..

Council Member Alexander stated but I mean they did a projection for us, on our side at the present rate.

Council Member Eddings stated yes.

Council Member Alexander stated that's in there too?

Council Member Eddings stated right.

Council Member Alexander stated showing the capacity?

Council Member Eddings stated right.

Council Member Alexander stated just showing a scenario if we proceed on our own.

Council Member Eddings stated everybody had a chance to go to those meetings and went to those meetings.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 6.

Council Member Eddings Addresses Long Term Service Agreement From EMC

Council Member Alexander stated I mean they've got numbers to show, project Sellersburg out?

Council Member Eddings stated right.

President Broady stated he did it both ways.

Council Member Alexander stated so we can get those from Umbaugh?

Council Member Eddings stated yes, you ought to be able to get a copy from Chris or check with EMC. I just wanted everyone to be aware of it and I'd like to call for a vote on it at the next meeting.

Council Member Fenner Addresss EMC Hat From Haita

Council Member Fenner stated I have something on a light hearted note, just to show you how far and wide the influence of EMC is. I just came back last week from Haita and while I was in Haita I received a gift.

President Broadys stated they follow you everywhere you go.

Council Member Fenner stated I couldn't believe it. This guy had probably 50 hats there and I was looking at his hats and I said where did you get that and he says I have no idea. He said but I can tell you this my policy is that I never spend more than 10¢ per hat but that's 10¢ Haitain and that's 50¢ American so anyway I just thought that was interesting. I went all of the way to Haita to find a hat from EMC.

Council Member Alexander Addresses Ord. 96-654/Amending 1996 Salary, Holiday & Longevity Pay

Council Member Alexander stated last meeting I gave you all an ordinance to look over from the street and sanitation departments as far as adjusting wages basically what we've looked at was comparing them with Charlestown and I think I talked about it during the budget process and I'd like to rehash some of it and get some kind of approval, basically I have CDL drivers and they are getting these licenses and either "A", they are going to start leaving apparently and go somewhere that pays a little more with a CDL license. I'd like to kind of keep my CDL drivers. I only have one that drives the truck and I have two trucks running everyday so I'm asking for an adjustment because we compared them to Charlestown. Charlestown wages are laborers are \$9.76, the 96 rate, 97 rate is \$10.24, our rate is \$8.03 and our driver Tom makes \$8.71 basically that would be taking the driver up to \$9.50 an hour and taking a laborer up in the street department to \$9.50 an hour which will give me my two crewleaders and then for having a CDL license, their pay would go up 50¢ which would be \$8.53. One thing it will fit in the budget, one thing we don't have in our department is overtime except during the snow season and when limbs fall down from a tree.

President Broady stated the pay would be effective January 1st?

Council Member Alexander stated November 14th.

President Broady stated retroactive November 14th.

Council Member Alexander Addresses Ord. 96-654/Amending 1996 Salary Holiday & Longevity Pay

Council Member Eddings stated is the budget calculated on these figures?

Council Member Alexander stated the budget has overtime figured into it. Here's a letter that came through. I'll let the letter carry it's own weight. You know as far as finding people, I can find them, it's just the quality of the service. I can't guarantee it.

President Broady stated okay I'll entertain a motion.

Council Member Alexander stated we will have to amend the 96 Salary Ordinance as follows:

ORDINANCE 96-654

AN ORDINANCE AMENDING ORDINANCE NO. 95-629 CONCERNING
1996 SALARY, HOLIDAY AND LONGEVITY PAY.

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 28th day of August 1995, passed Ordinance No. 95-629, establishing the 1996 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following employees of the Town of Sellersburg, Travis Walters, Tom Layman and Phillip Kaunapfel; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employees rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said changes is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 95-629 concerning 1996 Salary, Holiday and Longevity pay, shall be and hereby is amended to reflect the following changes:

STREET AND SANITATION

STREET DEPT. LABORER/CREW LEADER

Travis Walters's pay be changed from \$321.20 per week or/\$8.03 per hour to \$380.00 per week or/\$9.50 per hour. Effective date of 11/14/96

SANITATION DEPT. TRUCK DRIVER

Tom Layman's pay be changed from \$348.20 per week or/\$8.71 per hour to \$380.00 per week or/\$9.50 per hour. Effective date of: 11/14/96.

STREET DEPT. LABORER

Phillip Kaunapfel's pay be changed from \$321.20 per week or/\$8.03 per hour to \$341.20 per week or/8.53 per hour. Effective date of 11/14/96.

Council Member Alexander Addresses Ord. 96-654/Amending 1996 Salary, Holiday & Longevity Pay

Motion made by Council Member Alexander to consider Ordinance 96-654 on the first reading and seconded by Council Member Eddings.

President Broady stated what we are doing here is amending the ordinance for this fiscal year, is that correct?

Council Member Alexander stated yes.

President Broady stated to compensate for the higher wages for these people effective 11/14/96.

Vote 5-0

Motion to approve Ordinance 96-654 made by Council Member Alexander and seconded by Council Member Voyles.

Vote 5-0

Council Member Alexander Presents Ord. 96-655/Amending 1997 Salary, Holiday & Longevity Pay

Council Member Alexander presented Ordinance 96-655 as follows:

ORDINANCE 96-655

AN ORDINANCE AMENDING ORDINANCE NO. 96-647 CONCERNING
1997 SALARY, HOLIDAY AND LONGEVITY PAY.

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 26th day of June, 1996, passed Ordinance No. 96-647, establishing the 1997 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following employees of the Town of Sellersburg, Travis Walters, Tom Layman and Phillip Kannapel; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employees rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said changes is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 96-647 concerning 1997 Salary, Holiday and Longevity pay, shall be and hereby is amended to reflect the following changes:

STREET AND SANITATION

STREET DEPT. LABORER/CREW LEADER

Travis Walter's pay be changed from \$330.80 per week or/\$8.27 per hour to \$391.60 per week or/\$9.79 per hour.

SANITATION DEPT. TRUCK DRIVER

Tom Layman's pay be changed from \$358.80 per week or/\$8.97 per hour to \$391.60 per week or/\$9.79 per hour.

STREET DEPT. LABORER

Phillip Kannapel's pay be changed from \$330.80 per week or/\$8.27 per hour to \$391.60 per week or/\$9.79 per hour.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 9.

Council Member Alexander Presents Ord. 96-655/Amending 1997 Salary, Holiday & Longevity Pay

Motion made by Council Member Alexander to consider Ordinance 96-655 on the first reading and seconded by Council Member Eddings.

Vote 5-0

Motion made by Council Member Alexander to approve Ordinance 96-655 and seconded by Council Member Voyles.

Vote 5-0

Council Member Alexander Addresses Uniforms For Street & Sanitation Department

Council Member Alexander stated we've been looking at the uniforms for the street department, sanitation and the conclusion that we've come up with is we can go with shirts only. It would be 11 per person, it cuts the cost in half. It's 4.75 per person and we would purchase blue jeans for them to wear. Any thoughts?

President Broady stated what you are saying is you would rent the shirts and the town would purchase blue jeans. How many?

Ms. Schafer stated five pair maybe.

President Broady stated we can't find anybody to rent blue jeans?

Council Member Alexander stated right now they are doing as far as being washed, I know some of them are being washed anyway.

President Broady stated they just don't line the uniforms? Joe I thought you found a place that rented uniform blue jeans or something.

Mr. Goergen stated no we do have the uniform pants, you can get the denim pants. They are allowed to wear blue jeans.

President Broady stated we need to come up with something. I have no problem with this but we have to be very concrete on when we are going to do it and the time, are we going to do it at the first of the year or if a guy comes in during the middle of the year, what's he going to get?

Ms. Schafer stated the only disadvantage is the company would like to extend the contract.

Attorney McCall stated you've got a contract for a number of weeks and they want to change the terms of it and extend it for another year. You had like 140 something weeks.

Ms. Schafer stated 156 weeks was the original contract.

Attorney McCall stated so you had alot of weeks left on that.

Council Member Alexander stated well let me set down with them and work on the pants because you're right Dave, it needs to be concrete.

Council Member Alexander Addresses Uniforms For Street & Sanitation Department

Ms. Schafer stated will there have to be a resolution on that also.

Attorney McCall stated yes.

President Broady stated we've always had the uniforms, I guess the problem that's come about is they just don't like the pants.

Ms. Schafer stated we are paying for them and they aren't wearing them so...

President Broady stated I just don't really like to see us get in the clothes buying business to be quite honest with you but I'm sympathetic to the cause.

Ms. Schafer stated what about a clothing allowance and allowing them to wear and maintain their own jeans.

President Broady stated well I still like the idea of a uniform though for town employees. Let's talk about it and discuss it.

Council Member Alexander stated you're right. I want the same thing. I want something uniform. I want everybody looking the same.

Council Member Alexander Addresses Light Up Sellersburg

Council Member Alexander stated Light Up Sellersburg. We are as big as Jefferson County or bigger. The lighting of the Sellersburg Town Christmas Tree is scheduled for December 3rd on Highway 31 and Prather Lane next to CarMerica. Festivities will begin at 6:30 p.m. to include caroling, the lighting of the tree, the road side Santa will be there so bring your cameras and you can sit on his lap and tell him all of the good stuff you need and take a picture. One thing we're asking is that the public bring canned goods for the local food pantry or they can make a donation for Shop With A Cop. We've also got a box out in the hall there, everytime you come to a meeting bring a can to put in the box for Christmas it will be full, I know it will. This program is sponsored by the Silver Creek Township Kiwanis. We send a big thank you to the Kiwanis, They've been doing this for quite a while.

Council Member Alexander Addresses Holiday Hours For The Town Of Sellersburg Employees

Council Member Alexander stated the Town of Sellersburg will be closed Thursday, November 28 and on Friday, November 29th in observance of Thanksgiving. Thursdays trash will be collected along with regular scheduled trash on Monday and Fridays will be collected along with the regular scheduled trash on Tuesday, December 3rd. There will be no rescheduled yard waste pick up on those closing days.

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 11.

Clerk Treasurer Schafer Presents Claim/Sellersburg Volunteer Fire Department

Ms. Schafer stated I'd like to present this claim on behalf of the Sellersburg Volunteer Fire Department in the amount of \$230.00 for permits and inspections. They have been verified.

Motion made by Council Member Broady to approve the claim as presented and seconded by Council Member Voyles.

vote 5-0

Clerk Treasurer Schafer Presents Out Of Scope Claims/EMC

Ms. Schafer stated at the last meeting I had prepared some vouchers for out of scope bills but you said you would like to see the actual vouchers so what I've done is I have a bill here for \$250.00 on behalf of Reschar Construction for a water tap they did on the Fern Street water line looping. I need to have it approved by the council and another one, there's actually two vouchers to this one from Water Works. That was also another part of that water line looping for \$2,006.00 and there will be another bill coming in to make up that amount. There may be a small bill for materials. Reschar will be giving me another bill for \$250.00 to make up the rest of that amount and I assume that the rest of that \$200.00 and something dollars that's left over is for materials. I have a little bit left over. I have \$265.80 so I figured the rest of that is for materials and etc., so that particular project is pretty much complete.

Mr. Goergen stated it won't actually be complete...

Ms. Schafer stated as far as my financial obligations except for the one voucher for the materials. I would like to present this claim, it's from where Burlington Motor Carriers had hit one of our fire hydrants that we had to replace from Reschar Construction in the amount of \$250.00.

Motion made by President Broady to approve all three claims and seconded by Council Member Eddings.

Vote 5-0

Clerk Treasurer Schafer Presents Claims From The Civil, Water & Sewer Departments.

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Alexander.

Vote 5-0

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 12.

Attorney Lonnie Cooper Addresses Council/Attorney General Opinion

Mr. Cooper stated Perry and I had a meeting and Perry drafted a letter to the Attorney General and it will be sent off today.

Attorney McCall stated the long term service agreement which you just referred to does it include the office.

Council Member Eddings stated it could be written up either way.

Attorney McCall stated I just wanted to make sure there was no conflict so I need a copy of the EMC contract to follow that letter.

Mark Dean, ACO Addresses Council/Purchase Of Animal Control Equipment

Mr. Dean stated I need to purchase some equipment with your approval. One item I need is called a snappy snare, it's \$26.00. It's a flexible fiberglass rod with a leather loop to catch a running dog, sometimes they are hard to catch. You can reach out with this and I need a 40" long syringe pole and all that is you can put the tranquilizer in it and it keeps you from having to get right on top of a dog. That's where I just got back from, a dog got hit by a car and I can tranquilize the dog without me getting in harms way and I also need some needles for the gun because I'm out.

President Broady stated what's the total amount you're talking?

Mr. Dean stated the snappy snare is \$26.00 and syringe pole is \$36.00 and the needles I'm not sure, around \$12.00.

President Broady stated is this in the scope of our contract.

Council Member Alexander stated yes.

Ms. Schafer stated we have animal control, if I need to transfer funds I can.

Council Member Eddings stated does it total up to around \$75.00.

Council Member Fenner stated it totals \$74.00, that's cutting it close.

President Broady stated how about \$100.00?

Attorney McCall stated just have him present a voucher.

Motion made by President Broady to authorize the purchase of equipment for animal control and bring the voucher back to the council and seconded by Council Member Alexander.

Vote 5-0

Sellersburg Town Council
Regular Meeting
November 25, 1996
Page 13.

Mark Dean, ACO Addresses Council/Purchase of Animal Control Equipment

Council Member Alexander stated one other thing while we are on animal control here, since he's working by himself again, working seven days a week, before he used to rotate with Clark County and Jeffersonville on weekends only. Do you all have a problem with a Sellersburg truck down there? I don't. Chet and all of them help us.

Mr. Dean stated if I have a problem I call Chet. They come if I need them and I go if they need me.

President Broady stated sometimes you could get caught with no truck down there helping them.

Council Member Alexander stated right.

President Broady stated does anyone have a problem with that?

Mr. Dean stated every third weekend I'm on call covering the county and Jeffersonville and I need permission to drive that truck if not I'll drive my own.

Council Member Alexander stated even when the town was doing it Chet and the whole group down there were very supportive and all it takes is a little gas money. I'd like to be supportive of them.

Council Member Fenner stated Mark is everything else going okay with the animal control?

Mr. Dean stated yes, since I've taken over in September I've had 17 calls. The first few calls were skunk problems which we really don't deal with.

Attorney McCall Addresses Council/Letter Being Sent To The Attorney General

Attorney McCall stated on the appeal we talked about, the letter that was sent out, we just need to send out a copy of the contract behind that letter to the Attorney General.

Attorney McCall Addresses Sue Mosley's Property On North New Albany Street

Attorney McCall stated Ms. Mosley was in my office 10 days ago in regards to that drainage problem. She's indicated that she has changed her mind and would like to propose to the town at some point about a culvert but to leave the trees in that area. Was that what she proposed before I can't remember?

Mr. Toombs stated during that project that was one of the things we did not do because we needed an easement to get in there and clean all of the trees out and she had asked for a 40" pipe to go across there. It would of cost more money to do that than the whole project cost.

Attorney McCall stated well she came back and she still wants to try and correct it and I said I'd contact you and find out.

Joe Goergen Addresses Council Regarding The New Apartments On North New Albany Street

Mr. Goergen stated I have one other thing, the project on North New Albany that you asked me to look at, the pipe. John and I went out there today and we were out there looking at it and the neighboring apartments that are being constructed asked me if we would do the same for them.

Council Member Alexander stated no, they are required to put their own in.

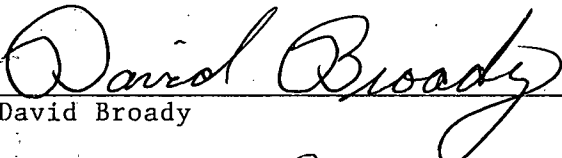
Mr. Goergen stated I told them I didn't think it was an option but that I would check with you.

Adjournment

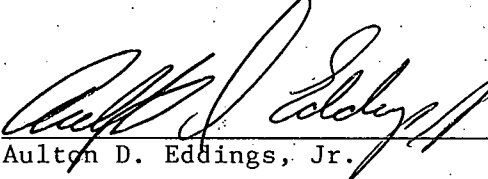
Council Member Alexander made the motion to adjourn this meeting and seconded by Council Member Voyles.

Vote 5-0

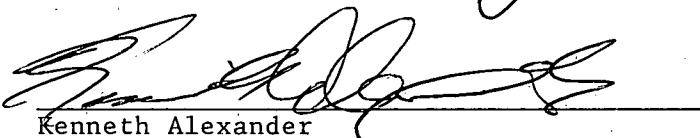
With no further business this meeting was adjourned by President Broady at 7:30 p.m.



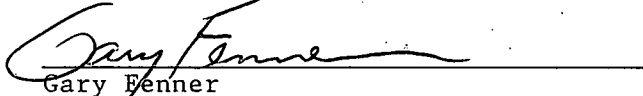
David Broady



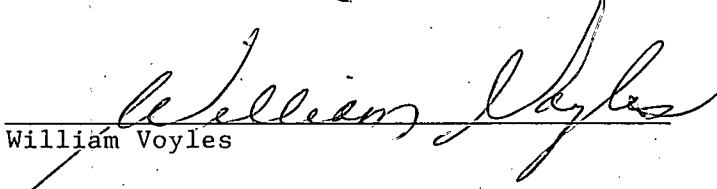
Aulton D. Eddings, Jr.



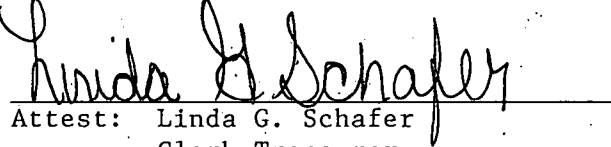
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 9, 1996

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: David Broady, Council President; Kenneth Alexander, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; Gary Fenner, Council Member; with Perry McCall, Town Attorney arriving at 6:08 p.m. and Aulton D. Eddings, Jr., Council Vice-President being absent.

Called To Order

President Broady called the Executive Session to order at 6:02 p.m.

Topics Of Discussion

Personnel Policy, Vacation, Sick Days, Funeral Leave
Attorney General's Opinion

Remonstrance

Dan Christiani vs. Town of Sellersburg

Taxi Cab Ordinance

Unemployment Tax Report

Gilbert Property

Bids/Storm Sewer Projects

High Water/Forrest Estates

Ordinance/Fee Schedule

Adjournment

With no further business, President Broady adjourned the Executive Session at 6:26 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Broady called the Regular Meeting to order at 6:33 p. m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

President Broady dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Chief Kinder Presents Ordinance 96-656/Transfer Of Appropriations

Chief Kinder stated we have an ordinance to transfer funds this is money that was saved for new police cars. We didn't buy any this year and with this transfer of funds we can go ahead and order two police cars. It's sixty to ninety days to get them in and we'd have the appropriations and encumber these funds for the two cars. The money is there.

ORDINANCE NO. 96- 656

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING
THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

- 1.) A transfer of appropriations in the amount of One Thousand Nine Hundred (\$1,900.00) dollars from Account #113, Salaries to Police Station Fund Account.
- 2.) A transfer of appropriations in the amount of One Hundred Ten (\$110.00) dollars from Account #133, Off Duty Court Pay to Account #415, Police Autos.
- 3.) A transfer of appropriations in the amount of Twenty Thousand Eight Hundred Sixty Two dollars and Twenty Four cents (\$20,862.24) from Account #113, Salaries to Account #415, Police Autos.

Chief Kinder Presents Ordinance 96-656/Transfer Of Appropriations

- 4.) A transfer of appropriations in the amount of One Thousand Two Hundred (\$1,200.00) dollars from Account #393, Police Training to Account #415, Police Autos.
- 5.) A transfer of appropriations in the amount of One Thousand (\$1,000.00) dollars from Account #225, Police Gasoline to Account #415, Police Autos.
- 6.) A transfer of appropriations in the amount of Sixteen dollars and Fifty cents (\$16.50) from Account #314, Consulting Fees to Account #415, Police Autos.
- 7.) A transfer of appropriations in the amount of Two Hundred (\$200.00) dollars from Account #321, Postage to Account #415, Police Autos.
- 8.) A transfer of appropriations in the amount of Four Hundred Fifty (\$450.00) dollars from Account #351, Electricity to Account #415, Police Autos.
- 9.) A transfer of appropriations in the amount of Five Hundred (\$500.00) dollars from Account 354, Heat & Gas to Account #415, Police Autos.
- 10.) A transfer of appropriations in the amount of One Thousand (\$1,000.00) dollars from Account #413, Police Radios to Account #415, Police Autos.
- 11.) A transfer of appropriations in the amount of Nine Hundred (\$900.00) dollars from Account #323, Telephone/Pagers to Account #415, Police Autos.

Motion made by Council Member Eddings to consider Ordinance 96-656 and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Eddings to approve Ordinance 96-656 and seconded by Council Member Voyles.

Vote 5-0

Joe Goergen-Environmental Management Addresses Council

Mr. Goergen stated I have the revenue report for the last two weeks and an invoice for the water department. I also have the water loss report for 1995 and 96. I have it two ways. I've compared January to December of 95 and then our contract year which was August 1 to July 31. January to December is at the bottom of the page and August to July is at the top. I had to use numbers that were available, alot of the numbers made available were not accurate. The only ones that I can definately hang my hat on as accurate were at the plant because they are calabrated on a regular basis.

Sellersburg Town Council
Regular Meeting
December 9, 1996
Page 4.

Joe Goergen-Environmental Management Addresses Council

Mr. Goergen stated basically it shows it's a 26% accountable water loss for the calendar year of 1995 and for our contract year it's 19.6% which represents approximately 94 million gallons of water that was unbillable. It did not register or go through a meter. I'd take into account the inaccuracy of these readings and cut that number in half to 47 million gallons and basically take the lowest water rate which is right about \$1.00 for 1000 gallons for \$47,000.00 of lost revenue. This is the indication of the kind of revenue that's out there in inaccurate meter readings. I have ordered 131 meters with the \$4,000.00 so you should see some changes. We are keeping repair records so we can keep better track of where the water loss was. This report will only get better. We are looking at a lot of inaccuracy because of a lot of data that wasn't available. This is for your information. Now that's being very conservative saying that half of that, some meters don't read as low.

President Broady stated how long do you expect these changes to take, to get them all squared away.

Mr. Goergen stated well it's 3,300 meters.

President Broady stated a year or six months. What would be your estimated projection?

Mr. Goergen stated our plan is to buy 200 meters and make the change outs and the revenue that comes in we can purchase more, it's actually going to be a several year project to get them all changed out.

Council Member Fenner stated what's the approximate life of a meter or what do they suggest?

Mr. Goergen stated well I mean the accuracy of the meter is guaranteed for five years, three to five, depending of the manufacturer, as long as you keep them calibrated. We've got meters that there's no way to calibrate them.

Council Member Fenner stated is there a way for us, with the new ones, that we are going to be changing in, to better maintain them, to calibrate them and to maintain them?

Mr. Goergen stated yes.

Council Member Fenner stated so we'll be up on all of that where in the past we haven't?

Mr. Goergen stated that's correct.

Council Member Alexander stated just a note on that, a meter doesn't run faster, it just runs slower right?

Mr. Goergen stated yes, except they've found out that when they get real bad sometimes they don't on the low flow, they don't show rapidly hundreds it's thousands, the jumps are huge amounts.

Council Member Eddings Addresses Long Term Service Agreement With EMC

Council Member Eddings stated I think we need to go ahead and make a decision tonight on the EMC long term service contract whether to go on to the next step or not so since it's on the table I'm just going to make that motion.

Motion made by Council Member Eddings to to accept EMC's offer and to go to the next step of the long term contract and do the research not to exceed \$10,000.00.

President Broady stated we have a motion of the floor to go ahead and move forward with the next step of the proposal of the long term contract with the town. Do I have a second? Do I have a second? Due to the lack of a second on the motion, the motion has died. The motion has died for the lack of a second.

Council Member Eddings Addresses Police Commissioner Appointments

Council Member Eddings stated we have the police commissioner's that need to be reappointed or replaced.

President Broady stated we have two police commissioner's that are up, one being Mr. Denton, the other being Mr. Paschal. I got a call this evening and Mr. Paschal has requested that we remove him as commissioner and replace him. The reason being he's also on the parks department and he has too much. He'd like to stay on the parks department. I've had one request by someone the name being Mr. Denny Amos. He has expressed earlier, I have not talked to him today.

Ms. Schafer stated he would have to be a republican.

President Broady stated that's the only name I've got, to be quite honest with you, if you want to go with him, have you talked to him.

Council Member Voyles stated no I have not. He told me he was interested.

Ms. Schafer stated he's really a nice gentleman.

President Broady stated we need to call to see if he's still interested, last I heard he was. Bill had told me he would stay on until we found a replacement. Does anyone else have any names. I'd like to get it done.

Council Member Fenner stated can we wait until the next meeting since, I mean with Bill's withdrawl at the last minute it kind of puts us in a spot.

President Broady stated as long as we get it done before their term expires.

Council Member Eddings stated we need to get some of this done because we've only got one more meeting.

Sellersburg Town Council
Regular Meeting
December 9, 1996
Page 6.

Council Member Eddings Addresses Police Commissioner Appointments

President Broady stated we can table it if you like, it's the boards decision to table it. I won't be at the next meeting.

Council Member Voyles stated I won't either.

Motion made by Council Member Eddings to renew Mr. Ed Denton as police commissioner and also to accept Denny Amos pending on his acceptance and being of the right political party to fill the position of Mr. Paschal and seconded by Council Member Voyles.

Vote 4-1, with Council Member Fenner voting against.

President Broady stated I will contact Denny myself tomorrow and let the board know.

Council Member Eddings Addresses Renewal Of Town Attorney's Contract

Council Member Eddings stated do you want to do the town attorney's contract tonight?

President Broady stated I think we need to go ahead and get it taken care of if we can.

Council Member Eddings stated everybody has had a chance to talk about it. We have two attorneys interested in it. We've seen Perry's contract for the next year and to get things started I'd like to made the motion to renew Perry's contract for the next year.

Motion made by Council Member Eddings to approve Attorney McCall's contract for the next year and seconded by Council Member Voyles.

President Broady stated any discussion? This is to renew Perry's contract for 1 year as presented which is the same price as last year.

Ms. Schafer stated there's one word different on the second or third page in reference to the bonds. I reviewed the old and new one.

Attorney McCall stated it was subject to the approval of the town council for any type of bond issue to be approved prior to that.

Vote 3-2, with President Broady and Council Member Fenner voting against.

Clerk Treasurer Schafer Presents Claims/Thorn-Orwick, Inc.

Ms. Schafer presented the claim from Thorn-Orwick, Inc. in the amounts of \$539.00 for Jody Barham, \$169.00 for Jody Barham, \$539.00 for Virginia Ave., and \$539.00 for Virginia Ave. and requested a motion to approve them as presented.

Motion made by Council Member Alexander to approve the claims as presented and seconded by Council Member Eddings.

Vote 5-0

Clerk Treasurer Schafer Presents Claim From The Civil, Water And Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the past two week period and requested they be approved as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Voyles.

Vote 5-0

Clerk Treasurer Schafer Presents Claim From EMC/Reimbursement From Water Department

Ms. Schafer stated I'd like to present this claim on behalf of EMC for nsf checks, October sales tax and meter deposit refunds in the amount of \$3,311.98 and I would also like to reserve the right to verify these figures.

Motion made by Council Member Alexander to approve the claim subject to the verification of the figures and seconded by Council Member Eddings.

Vote 5-0

Attorney McCall Presents Ordinance 96-657/Schedule Of Fees, Planning & Zoning Commission

Attorney McCall presented Ordinance 96-657 as follows:

ORDINANCE NO. 96- 657

**AN ORDINANCE OF THE SELLERSBURG TOWN COUNCIL
CREATING A SCHEDULE OF FEES TO BE ASSESSED BY THE TOWN
OF SELLERSBURG PLAN COMMISSION AND BOARD OF ZONING**

WHEREAS, the Town Council for the Town of Sellersburg has hereto established a Plan Commission and Board of Zoning Appeals to serve the needs of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined there exists the need to establish and implement a schedule of fees to be assessed for appeals and application to the Sellersburg Plan Commission and Board of Zoning Appeals; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the establishment and implementing of a schedule of fees for the Sellersburg Plan Commission and Board of Zoning Appeals is necessary to help defray the cost of considering and processing requests and appeals before the Sellersburg Plan Commission and Board of Zoning Appeals; and

Attorney McCall Presents Ordinance 96-657/Schedule Of Fees, Planning & Zoning Commission

WHEREAS, the Town Council for the Town of Sellersburg has determined the adoption of the herein ordinance will provide for the efficient and effective administration of Town Government; and

WHEREAS, the herein ordinance was considered at an open meeting at which the public were invited to attend and comment in regard thereto;

BE IT THEREFORE ORDAINED AS FOLLOWS:

Applications and petitions filed pursuant to the provisions of the herein ordinance shall be accompanied by the filing fees hereinafter specified:

1. For each petition for an appeal from a decision of the Building Commissioner to the Board of Zoning Appeals, a fee of one hundred (\$100.00) dollars shall be paid to and collected by the Building Commission, the receipt shall accompany the petition.

A. For each additional request in the same petition an additional fee of twenty-five (\$25.00) dollars each shall be charged and collected.

2. For each application for the approval by the Board of Zoning Appeals for a zoning variance of any type, a fee of sixty (\$60.00) dollars shall be paid to and collected by the Building Commissioner, the receipt shall accompany the application.

A. For each additional request in the same application an additional fee of twenty-five (\$25.00) dollars each shall be charged and collected.

3. A fee of one hundred (\$100.00) dollars or five (\$5.00) dollars per lot whatever is greater shall be assessed and collected by the Building Commissioner to cover the expense of checking and verifying proposed plat.

Motion made by Council Member Eddings to consider Ordinance 96-657 on the first reading and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Eddings to approve Ordinance 96-657 and seconded by Council Member Voyles.

Vote 5-0

Sellersburg Town Council
Regular Meeting
December 9, 1996
Page 9.

Council Member Alexander Addresses Council/Water Rates & Retention Basin

Council Member Alexander stated since the long term agreement has not gone forward, I'd like to see if we can't set up some executive sessions so we can start going through some information. There's no doubt that something needs to be done.

President Broady stated so you feel comfortable enough to get moving on the, as far as financially on the, John would you proceed on the retention basin, get the engineer work done and an expected bid date of sometime early Spring so we can start construction when ever the weather breaks.

Council Member Alexander stated we'd like to see if we could go through the revolving loan if available.

Mr. Toombs stated you can't get that money until July 1st.

Council Member Alexander stated you can start applying for it now, can't you?

President Broady stated who does that?

Council Member Alexander stated if it's available.

President Broady stated would you two work on that, by all means I think our ultimate goal is to see this thing under construction in the Spring or late Spring if possible.

Council Member Alexander stated how long for completion once they start?

Mr. Toombs stated three or four months, there's alot of paperwork and it has to go to the state for their blessings and fill out the application for the SRL and a bunch of other stuff.

President Broady stated I think we need to move as quick as possible on this.

Chief Kinder Addresses Open Grate On Penn Street

Chief Kinder stated over here on Penn Street, next to the playground, that grate is still open.

Council Member Alexander stated it's being taken care of.

Chief Kinder stated thank you.

President Broady Addresses No Truck Traffic On North Fern Street

President Broady stated Ken can we get a sign on North Fern. I want a sign, "No Truck Traffic", with an arrow pointing for Gilbert deliveries pointing down the road where they are suppose to go and if that doesn't get the job done we'll pass an ordinance immediately on a weight limit on that. We will stop the truck traffic going up North Fern. See if you can get that done I think the sign will do it because the truck drivers don't want to make that turn, some of them I think forget.

Council Member Alexander stated they've almost got that one telephone pole down.

President Broady stated they keep gnawing on it, it looks like a beaver has been chewing on it.

Adjournment

Council Member Fenner made the motion to adjourn this meeting and seconded by Council Member Eddings.

Vote 5-0

With no further business this meeting was adjourned by President Broady at 7:02 p.m.

Absent
David Broady

Aulton D. Eddings, Jr.
Aulton D. Eddings, Jr.

Kenneth Alexander
Kenneth Alexander

Gary Fenner
Gary Fenner

William Voyles
William Voyles

Linda G. Schafer
Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 23, 1996

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Perry McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer, with David Broady, Council President being absent.

Called To Order

Vice-President Eddings called the Regular Meeting to order at 6:29 p.m.

Prayer

The prayer was dispensed with at this meeting.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes Of Last Meeting

Vice-President Eddings dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Fenner to approve the minutes as presented and seconded by Council Member Voyles.

Vote 4-0

John Toombs Addresses Council/Storm Sewer Projects & Miscellaneous Items

Mr. Toombs stated I brought you a copy of the little hearing I went to, sometime in the next four years they are going to redo the 311/I65 interchange and the one down by Ken. I don't have a speech to make. I just brought that along for the meeting.

Mr. Toombs stated we took bids on additional storm sewer work which consisted of putting in a pipe extension down on the corner of Kahl Court, redoing a catch basin that's in a hole out here across from the insurance agency bringing it up to level. Putting expanded metal over a huge bar screen over by the school. Replacing a little tiny grate with a big round casting over in the school yard. Over on Paradise there's three catch basins, one back on the sidewalk where there's a nice hole for a two foot by two foot casting but it's off, it's full of weeds and junk.

John Toombs Addresses Council/Storm Sewer Projects & Miscellaneous Items

Mr. Toombs stated then there's two in the street that have been paved and paved and they set in a hole about six inches deep. There's one catch basin over here behind the post office that needs expanded metal over the top of it with a bar screen so nobody steps in it. In the alley behind the post office over here there's a big pond that sets in the alley, we're going to run a pipe out of the catch basin and stick a casting over there to drain that. I think that's all of it. We have a tabulation of the bids, frankly I didn't think they would be this cheap so I'm recommending that you award the contract to River Valley Contractor's for \$11,860.00. I think everybody has a copy of the letter I've written to Linda. I have two of the proposals for you gentlemen to sign.

Council Member Eddings stated have we had these guys before?

Mr. Toombs stated you have not but I have. They are a new little contractor down in Clarksville. They are a spin off of an outfit called Seatracks. The guys name is Todd Richardson.

Council Member Eddings stated this is not another Team Contractor's is it?

Mr. Toombs stated I don't think so but there's no guarantee. I've worked with all of these people. This is the informal bidding procedure which is allowed because it's under \$50,000.00.

Council Member Alexander stated I have no problem with the Nickels bid or whatever the companies name is just as long as they know there won't be any change orders.

Motion made by Council Member Alexander to approve River Valley Contractor's bid in the amount of \$11,860.00 and seconded by Council Member Voyles.

Council Member Fenner stated John you say you know the fellow who owns this and you've worked with him before even though not the company.

Mr. Toombs stated I worked with him when he was with his brother at Seatracks and I also have him working on a softball complex down in Clarksville and he's been doing fine so far, so far so good. I have no reason to think that he won't, there's never a guarantee.

Vote 4-0

John Toombs Submits Claims/Irish Park & Jacobi, Toombs & Lanz, Inc.

Mr. Toombs stated I also submitted a claim.

Ms. Schafer stated we don't have any appropriations left over.

Mr. Toombs stated there is one claim in here from Irish Park. They are the contractor that's working on the Ms. Daily, Alabama, Pennsylvania Avenue project that we bid a month ago or so. All the work is essentially done, the thing is draining, some of the people over there are happy. They graded it down as best they could. When I went over there to look it was draining well. It was as muddy as it could be so I don't know whether it will dry out long enough, it doesn't look like it is for them to get the sod on there and clean up the mess so we have not paid them 100%.

Sellersburg Town Council
Regular Meeting
December 23, 1996
Page 3.

John Toombs Submits Claims/Irish Park & Jacobi, Toombs & Lanz, Inc.

Council Member Eddings stated can we roll that over to next years?

Ms.Schafer stated I can encumber that.

Mr.Toombs stated I've got two claims in here myself that have to do with these two drainage projects and then I have one for \$85.00 that has to do with the sewer treatment plant where we were preparing the Capital Improvement Project and it was actually left over from June and one for \$382.50 that has to do with the water, same item, and then one for the sewer treatment plant that has to do with the Jesse Ballew project and all of his connections and Team Contractor's and so on and so forth so I'll submit these and hope you pay them some day.

Ms. Schafer stated as soon as I can.

Council Member Alexander stated so did we decide to encumber this?

Mr. Toombs stated well not that's the contract that you signed a month or so ago.

Council Member Fenner stated is this paying them 100% or are we still holding some back?

Mr. Toombs stated on the Alabama, Pennsylvania, Ms. Daily project, you will still owe them around \$4,000.00. I don't remember the exact number also in relation to that we did a change order to put a catch basin over here by the carwash and the old Sellersburg Lumber, where there was a hole with some pipes coming out so we collected all of the pipes together and built a catch basin so that's what all of that's for.

Motion made by Council Member Alexander to approve the claim to Irish Park for \$15,058.57 for the Alabama Avenue Storm Drain Project and seconded by Council Member Voyles.

Vote 4-0

Motion made by Council Member Alexander to approve the claims from Jacobi, Toombs & Lanz, Inc. in the amounts of \$382.00, \$85.00, \$380.00, \$340.00, and \$1,381.00 and seconded by Council Member Voyles.

Vote 4-0

Council Member Eddings Presents Ordinance 96-658/Transfer Of Appropriations

Council Member Eddings presented Ordinance 96-658 as follows:

Council Member Eddings Presents Ordinance 96-658/Transfer of Appropriations

ORDINANCE NO. 96-658

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING
THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

- 1.) A transfer of appropriations in the amount of Two Hundred Twenty Five (\$225.00) dollars from Account #361, Cleaning and Supplies to Account #364, Repairs to Police Building.
- 2.) A transfer of appropriations in the amount of Two Hundred Thirty One dollars and two cents (\$231.02) from Account #413, Police Radios to Account #223, Police Equipment.
- 3.) A transfer of appropriations in the amount of Four Hundred Fifty (\$450.00) dollars from Account #213, Office Supplies to Account #363, Maintenance Police Vehicles.

Motion made by Council Member Alexander to consider Ordinance 96-658 on the first reading and seconded by Council Member Voyles.

Vote 4-0

Notice Of Special Meeting December 26th at 7:00 a.m. regarding Transfer Of Appropriation Ordinances.

Ms. Schafer stated we need to notify the newspapers and the public of a special meeting on December 26th at 7:00 a.m. at the Sellersburg Town Hall to pass the Transfer of Appropriation Ordinances.

Clerk Treasurer Schafer Addresses Bids Taken On Garage Roof Repair

Ms. Schafer stated I requested from six different companies because it is such an emergency out here if snow was piled on it, it would be a major mess. I have received two back. This one from Roof Masters is \$3,850.00. I had in the CCD Fund \$3,000.00 for roof repair because we did speculate we were going to have a problem with that but it just wasn't enough to cover either one so that \$850.00 is just enough to, if you accept this offer from this gentleman he said he would have the work completed on the 26th of December.

Council Member Fenner stated what is it they are going to do?

Ms. Schafer stated do the whole thing over, the wood is rotted.

Motion made by Council Member Fenner to accept the bid from Roof Masters in the amount of \$3,850.00 and seconded by Council Member Voyles.

Vote 4-0

Council Member Eddings Presents Ordinance 96-659/Transfer of Appropriations

Council Member Eddings presented Ordinance 96-659 as follows:

96
ORDINANCE 659

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1996, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1996 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the Cumulative Capital Development fund to meet the emergency.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME, & AMOUNT

TO ACCT.#, NAME, & AMOUNT

CCD

CCD

CCD-438 FENCING AT TOWN HALL 850.00 CCD-437 MAINT BLDG. ROOFING & REP. 850.00

Sellersburg Town Council
Regular Meeting
December 23, 1996
Page 6.

Council Member Eddings Presents Ordinance 96-659/Transfer Of Appropriations

Motion made by Council Member Alexander to consider Ordinance 96-659 on the first reading and seconded by Council Member Fenner.

Vote 4-0

Bob Stewart, Building Commissioner Addresses Council

Mr. Stewart stated I just wanted to congratulate whoever it was that took care of that problem down there finally.

Ms. Schafer stated my son did that thank you and I'll take all the credit.

Mr. Stewart stated I called that to your attention about four months ago and I see you finally got it done today.

Ms. Schafer stated my son did that.

Mr. Stewart stated thank you, I didn't want you to have an unsafe condition up here and fry the council.

Clerk Treasurer Schafer Presents Claim/Sellersburg Vol. Fire Department

Ms. Schafer presented the claim on behalf of the Sellersburg Volunteer Fire Department for permits and inspections in the amount of \$699.95. We have verified with Bob. This is the first voucher we've had to split the 50/50 so we've made a little money this time and we hope he makes us alot more next year.

Motion made by Council Member Alexander to approve the claim in the amount of \$699.95 and seconded by Council Member Voyles.

Vote 4-0

Joe Goergen-EMC Addresses Council

Mr. Goergen stated I have the two week revenue report and the monthly report for the month of November. Make sure everybody gets the whole package. We had a bad month last month, we violated in November, Thanksgiving week. We had four inches of rain and had a motor on the clarifier short out.

Council Member Alexander stated is this the first time you were over 90% on safety.

Mr. Goergen stated no, August of last year.

Council Member Fenner stated we actually went off the graph is that what you are saying?

Mr. Goergen stated yes.

Joe Goergen-EMC Addresses Council

Council Member Fenner stated that's bad.

Mr. Goergen stated we also had a new operator start, Christine Wilkins from Marysville Water.

Council Member Fenner Addresses New Water Slide For Swimming Pool

Council Member Fenner stated back in September we ordered a water slide for the pool and it was suppose to be here in November and it didn't make it and then in, anyway, I don't know when it's going to get here so I have the invoice and I would like to make the motion to encumber this money to pay for this thing with this years budget, it's in the amount of \$11,084.00 and seconded by Council Member Alexander.

Vote 4-0

Attorney McCall Presents Ord. 96-660 Amending Ord. 87-R-77-Employee Vacation Accrual

Attorney McCall Presents Ord. 96-660 as follows:

ORDINANCE NO. 96-660

ORDINANCE AMENDING ORDINANCE NO. 87-R-77
REGARDING EMPLOYEE VACATION ACCRUAL

WHEREAS, the Town Council for the Town of Sellersburg did pass Ordinance No. 87-R-77 on May 11, 1987, concerning vacation accrual for employees of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that Ordinance No. 87-R-77 differs from the Town of Sellersburg policies and procedures established for the Town of Sellersburg Employees; and

WHEREAS, the Town Council for the Town of Sellersburg now desires to amend and change Ordinance No. 87-R-77 to reflect the current policies and procedures for vacation accruals for Town of Sellersburg employees; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the amendment to said ordinance would provide for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg considered this matter at an open meeting in which the public were invited to attend and participate;

Attorney McCall Presents Ord. 96-660 Amending Ord. 87-R-77-Employees Vacation Accrual

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

1. That Ordinance No. 87-R-77 shall be and hereby is amended as it concerns vacation accrual for Town of Sellersburg employees shall be as follows:

An employee whom on the previous December 31st has completed:

Less than 1 year service . . . days for each full calendar month worked with a maximum of ten (10) days.

One (1) through four (4) years of service ----- ten (10) days vacation.

Five (5) through nine (9) years service ----- fifteen (15) days of vacation.

Ten (10) through nineteen (19) years of service ----- twenty (20) days of vacation.

Twenty (20) years and over ----- twenty-five (25) days of vacation.

Motion made by Council Member Alexander to consider Ordinance 96-660 on the first reading and seconded by Council Member Fenner.

Vote 4-0

Attorney McCall Presents Ord. 96-661 Amending Ord. 96-657-Fee Schedule

Attorney McCall presented Ord. 96-661 as follows:

ORDINANCE NO. 96- 661

**ORDINANCE AMENDING ORDINANCE NO. 96-657
CREATING A SCHEDULE OF FEES TO BE ASSESSED BY THE TOWN
OF SELLERSBURG PLAN COMMISSION AND BOARD OF ZONING APPEALS**

WHEREAS, the Town Council for the Town of Sellersburg did on the 9th day of December, 1996, pass Ordinance No. 96-657 creating a schedule of fees to be assessed by the Town of Sellersburg Planning Commission and Board of Zoning Appeals; and

WHEREAS, the Town Council for the Town of Sellersburg is determined that an amendment to said ordinance is required; and

Attorney McCall Presents Ord. 96-661/Amending Ord. 96-657-Fee Schedule

WHEREAS, the Town Council for the Town of Sellersburg that said amendment is for the efficient and effective administration for Town government; and

WHEREAS, this matter was cleared up at an open meeting at which the public was invited to attend.

BE IT THEREFORE ORDAINED AS FOLLOWS:

That paragraph 3 of said ordinance shall be amended to read as follows: A fee of \$100.00 or \$5.00 per subdivision lot, which ever is greater, shall be assessed and collected by the Building Commission to cover the expense of checking and verifying proposed plat[s].

Attorney McCall stated this is no different than the last ordinance passed except the word subdivision was left out, where it says in paragraph three, the word subdivision had been left out.

Motion made by Council Member Fenner to consider Ordinance 96-661 on the first reading and seconded by Council Member Voyles.

Vote 4-0

Attorney McCall Addresses Council/Zoning Changes

Attorney McCall stated there's a parcel that's zoned agricultural that they would like to make residential and I'm not sure who the prospective developers are but if you look at our zoning ordinances it's kind of a lengthy process which takes some time to do and therefore whoever that is needs to petition the planning commission. The procedure puts these people into February doing this. I was asked to look into this and I have the process.

Council Member Eddings stated can we get that type written up and get a copy to them.

Attorney McCall stated I can get you a copy out of here. I just made it step by step so it's easier to read. It is a lengthy process.

Council Member Eddings stated can we get someone to type that up.

Attorney McCall stated that's not a problem.

Council Member Eddings stated he has it spelled out step by step and it would be easier. They wouldn't have to have the whole book.

Ms. Schafer stated I would like to have a copy of that also.

Mr. Stewart stated I'd like to have copies to pass out when people apply for permits.

Attorney McCall Addresses Council/Information For Council

Attorney McCall stated a couple of things I'm looking into for the sewer and water. I still have several calls to make and several people to access. The Bond Council for one, Charlie Pride with the State Board of Accounts. I need to give him a call. EMC, Chris McKee. I'll try to get that together for the next meeting.

Ms. Schafer stated Charlie is my boss.

Attorney McCall stated and Linda if you could sometime after the first of the year, if I could get a copy of our ordinances that does the tap in fees and sewer charges. I need copies of those, just for sewer and water.

Ms. Schafer stated that's no problem/

Clerk Treasurer Schafer Presents Claims For The Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period.

Motion made by Council Member Alexander to approve the claims as presented and seconded by Council Member Voyles.

Vote 4-0

Adjournment

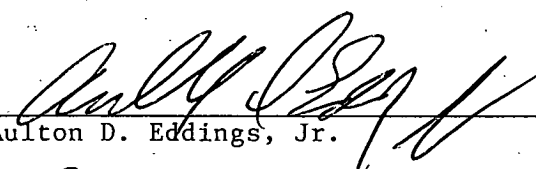
Motion made by Council Member Voyles to adjourn this meeting and seconded by Council Member Alexander.

Vote 4-0


With no further business this meeting was adjourned by Vice President Eddings at 7:00 p.m.

ABSENT

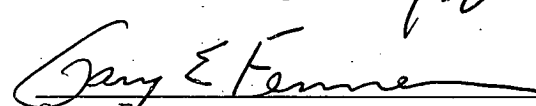
David Broady



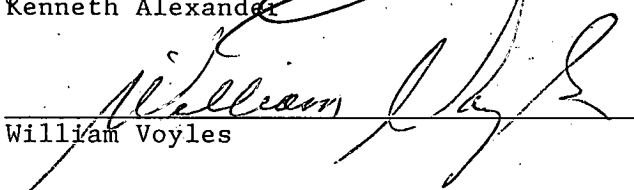
Aulton D. Eddings, Jr.



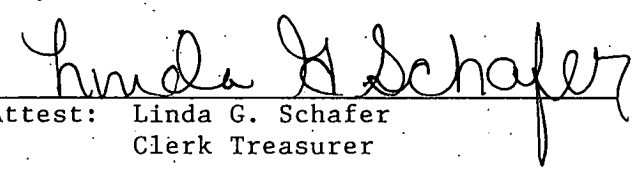
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

December 26th, 1996

SPECIAL MEETING

A Special Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 a.m. Those present were: Kenneth Alexander, Council Member; William Voyles, Council Member; Aulton D. Eddings Jr., Council Vice President; and Linda G. Schafer, Clerk Treasurer; with David Broady, Gary Fenner, and Attorney McCall being absent. The purpose of this meeting was to present and approve two Transfer of Appropriation Ordinances considered at the regular meeting on December 23rd. 1996.

Called To Order

Vice President Aulton D. Eddings Jr., called the special meeting to order at 7:29 a.m.

Vice Pres. Eddings Presents Ordinance 96-659 An ordinance To Transfer Appropriation

Vice Pres. Eddings presented Ordinance 96-659 to the council members. Motion was made by Council Member Kenneth Alexander to approve the ordinance and seconded by Council Member William Voyles.

Vote 3-0

Vice Pres. Eddings Presents Ordinance 96-658 An Ordinance To Transfer Appropriation

Vice Pres. Eddings presented Ordinance 96-658 to the council members. Motion was made by Council Member William Voyles to approve the ordinance and seconded by Council Member Kenneth Alexander.

Vote 3-0

Adjourned

Motion was made by Vice President Eddings to adjourn the special meeting and seconded by Kenneth Alexander.

Vote 3-0

With no further business Vice President Eddings adjourned the meeting at 7:30 a.m.

David Broady

Absent

Gary Fenner

Aulton D. Eddings Jr.

Attest: _____

Linda G. Schafer

Kenneth Alexander

William Voyles

SELLERSBURG TOWN COUNCIL

January 13, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member, Linda G. Schafer, Clerk Treasurer; Gary Fenner, Council Member, arriving at 6:08 p.m. and Perry McCall, Town Attorney, being absent.

Called To Order

President Broady called the Executive Session to order at 6:02 p.m.

Topics Of Discussion

Sick Day Policy
Personal Day Policy
I-65 Interchange
Storm Sewer Project
Contract Renewal/Chief Of Police
Community Focus Grant
IDEM/Essroc Burning Scrap Tires
Amending Ordinance 96-656
Scheduling Executive Session
Unemployment

Adjournment

With no further business, Vice President Eddings adjourned the Executive Session at 6:30p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: David Broady, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; with Perry McCall, Town Attorney arriving at 6:41 p.m.

Called To Order

President Broady called the Regular Meeting to order at 6:33 p.m.

Prayer

The prayer was dispensed with at this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Nomination Of Officers

President Broady stated the first thing on the agenda tonight is the election of officers and I'll open the floor to the nominations to elect a president and I'll make a nomination for president for Doug Eddings.

Motion made by President Broady to nominate Doug Eddings as president and seconded by Council Member Voyles.

Vote 5-0

President Broady stated I'll turn this chair over to Mr. Eddings.

Council Member Fenner stated you're in a big hurry aren't you?

President Eddings stated carrying on we'll entertain a motion for vice president of the board and I'll make a motion that Dave Broady be vice president of the board.

Motion made by President Eddings to elect Dave Broady as vice president and seconded by Council Member Fenner.

Vote 5-0

President Eddings stated that's the only two positions for the board right? Do we have any positions for any committies that we need to start thinking about?

Ms. Schafer stated no the fire department has contracted for a two year term.

President Eddings stated so all of the other boards are taken care of. Is the Parks Board taken care of?

Council Member Alexander stated I think there's one open on the planning.

Ms. Schafer stated also the MPP Board, he's the president by virtue of his office so I'll send a notice.

President Eddings stated good enough.

Minutes Of Last Meeting

President Eddings dispensed with the reading of the minutes from the last meeting on December 23rd and requested they be approved as presented.

Sellersburg Town Council
Regular Meeting
January 13, 1997
Page 3.

Minutes Of Last Meeting

Motion made by Council Member Alexander to approve the minutes from the December 23rd meeting as presented and seconded by Council Member Voyles.

Vote 5-0

President Eddings stated we also had a special meeting on December 26th and I believe everyone has had a chance to look at those.

Motion made by Council Member Alexander to approve the minutes from the meeting on December 26th and seconded by Council Member Voyles.

Vote 5-0

Scott & Krista Williams Address Council/New Gymnastic School at 109 N. New Albany St.

Mr. Williams stated we'd like to open a gymnastics school, a tumbling school at 109 N. New Albany where Steve's Market use to be. We have to do some renovations to get the building ready but basically we'll be teaching different types of classes for children between the ages of 3 and 16. That's basically it. The classes will be taught after school through the week and on Saturdays also at different times during the week there will be aerobic classes.

President Eddings stated have you been in contact with Bill Stewart or Bob Stewart to let him look at the building.

Council Member Alexander stated I talked to Bob and right now the building is classified as a B-1 and there really wasn't anything in there about gymnastics, a health club is a B-2 but a school was considered a B-1. The person that you need to contact would be Bob Stewart and as long as you fall under a B-1, which you are right now, the only thing you would need to do is pull your permits. If it falls under a B-2 you will have to go before the planning board.

President Eddings stated you just need to get his okay, he's our building commissioner and you can get in touch with him by calling the town.

Council Member Alexander stated as long as you fall under a B-1 the only thing if you had permits to be pulled Bob will take care of that.

President Eddings stated chief is there anything you need to know about the building?

Chief Kinder stated no.

Council Member Fenner stated you have talked with Nancy Baumgartner?

Mr. Williams stated yes.

President Eddings stated as far as the board, we are thrilled to death to have something like that in that location, good luck.

Sellersburg Town Council
Regular Meeting
January 13, 1997
Page 4.

Chief Kinder Addresses Council/Amending Ordinance 96-656-Transfer Of Appropriations

Chief Kinder stated we needed to amend an ordinance, you can ask Linda.

Ms. Schafer stated an ordinance amending Ordinance 96-656, Perry's not here.

President Eddings stated you need to have an ordinance just to amend an ordinance?

Ms. Schafer stated yes, an amendment to an ordinance would have to be an ordinance. I can get with Perry if you like and have him restructure it to present it at the next meeting. I didn't transfer the money and my books came out of balance that's why I realized there was a problem to begin with. There was a transfer of appropriations to a fund that had no budget controls.

President Eddings stated okay we can take care of it next meeting, just make sure someone gets a hold of Perry to make sure that he drafts it.

Ms. Schafer stated if he comes in tonight I'll give him a copy of the ordinance so he can present it at the next meeting.

Joe Goergen-Environmental Management Corp. Addresses Council

Mr. Goergen stated I have two things, I have the revenue report for the last two weeks and the monthly invoice. I also have some invoices we had a problem at Servend, they bored a hole through a 10" watermain and a bill to repair it. I have it split into 2 separate invoices, one for the water that was lost and the other for the actual materials. I just wanted basically an okay to send these out.

President Eddings stated can we approve these now, we don't have to vote on it right?

Ms. Schafer stated should that be on town letterhead?

President Eddings stated Joe should it be on town letterhead or EMC's?

Mr. Goergen stated what I was going to put was on the town's behalf but I can put it on town letterhead if you want me to.

Vice President Broady Addresses Council/Bean Road Sewer Tap Ins

Vice President Broady stated two or three items for the sewer department. One of them being we have been contacted by the people on Bean Road close to the new fire station that we're building concerning the airport and they're needing some sewers. These people requesting it are in town and we're working on a deal of how the best way to handle the problem and the project cost would be around \$7,885.00 to pick up the fire department and the three or four homes across the street from the fire department which are in town and it's really our obligation, I think, to proceed on that and this by far is the cheapest way to get out of this right now and I would like the board to consider and approve to proceed in that direction so I would like to make the motion to proceed with, what we are doing is actually starting a very large holding tank with a small pump station and we will put a pump into our existing force main.

Sellersburg Town Council
Regular Meeting
January 13, 1997
Page 5.

Vice President Broady Addresses Council/Bean Road Sewers & Tap Ins.

President Eddings stated some of this cost will be absorbed by tap in fees.

Vice President Broady stated yes, we have three tap ins and that will bring revenue back and the fire department has paid a tap in I think already. so there's four tap ins involved. The four taps ins would be right at \$1800.00 and the lift station that's being put in is not a major lift station, it's just a small pump that we'd pay the electric on so I'd like to make a motion that we approve this project and tell Joe to go ahead and proceed with it.

Motion made by Vice President Broady to approve this project and seconded by Council Member Voyles.

Vote 5-0

Vice President Broady Addresses Dobbins Easement In Speed

Vice President Broady stated we are in the process and the board has approved prior to this the material and everything to correct a sewer problem in the Speed area, along Renz Ave. The existing sewer was there but when we moved the sewer system in Speed, persay, and they've been having trouble with it and we've looked at several different ways to solve the problem and I think there's about six homes or eight and we finally got John to decide how we should go about it and we needed some easements and we got all of the easements but one given to us and one has to cut across a mans property where he has property on both sides so he was a little leary and wanted \$1000.00 and we negotiated and I got him down to \$500.00 and I talked to John to see if it was a reasonable amount and it would cost us more to go in another direction so I suggest we go ahead and approve \$500.00 to Mr. Dobbins for the easement across his property.

Motion made by Vice President Broady to approve the payment of \$500.00 to Mr. Dobbins for the easement across his property and seconded by Council Member Voyles.

Council Member Fenner stated is he a resident of Sellersburg or is he just in Speed.

Vice President Broady stated he lives in Speed.

Vote 5-0

Council Member Alexander Addresses Council/Swimming Pool Over Natural Drain On Penn St.

Council Member Alexander stated we had two phone calls over the last two weeks, Bob's not here but apparently a neighbor built a pool over top of a natural drain over near Kahl Court, 832 Penn Street or something. It's an above ground pool but he built it right over top of where the drainage is and the resident next door called. I want to check with Bob to make sure I had the procedure right and if he didn't pull a permit he would do something with it right but if he did pull a permit?

Council Member Alexander Addresses Council/Swimming Pool Over Natural Drain On Penn St.

Mr. Toombs stated he put it over a drain?

Council Member Alexander stated he put it over a ditch, the natural drain.

Ms. Schafer stated it's a natural drain there and it's flooding Mr. Broughton's property.

President Eddings stated I'd think there's something we could do. I think Bob would be the guy to do it.

Council Member Alexander stated is that the proper procedure to let Bob have it and if he didn't pull a permit Bob should handle it and then if Bob did give a permit for it.

Attorney McCall stated I think it would be addresses as a nuisance, if he is creating a nuisance.

Council Member Alexander Addresses Council/Ice On Road 609 W. Utica Street

Council Member Alexander stated a Ms. Renn called in this morning and apparently at 609 W. Utica, apparently the neighbor had a sump pump hooked to the sewer and we made her remove the sump pump and now it flows naturally on top of the ground which is icing the road and driveway.

Council Member Fenner stated it's several years old, we didn't just do it last year did we? It's been doing that for awhile now.

Council Member Broady stated I've had several complaints made to me about water being discharged out into the street causing ice but really there's nothing we can do. We can't put it into the sewer.

Council Member Alexander stated is there a storm drain near that. I know there's a storm drain down further, not a catch basin, just a drain.

Council Member Fenner stated it's up above it, it's spreading, there's lots and lots of water.

President Eddings stated someone went out through and put something on it.

Council Member Alexander stated yes we went and put cinders down on it because everyone was calling us.

Council Member Fenner stated what's the feasibility of putting a storm drain in between somewhere?

Council Member Alexander stated it would depend on where the nearest storm drain was.

Council Member Fenner stated it runs along the street but there's one way up above it and theres' one way down below it.

Council Member Alexander stated a catch basin?

Council Member Alexander Addresses Council/Ice On Road 609 W. Utica Street

Council Member Fenner stated yes a catch basin.

Council Member Alexander stated but the pipe does run, okay as long as they show plans to hook the pipe inside the storm drain?

Mr. Toombs stated you'd have to make sure they do it right.

Council Member Alexander stated right.

Mr. Toombs stated this is a problem everywhere, even in new subdivisions.

Council Member Broady stated yes I've got several in mine.

Council Member Alexander stated right.

Council Member Broady stated I think we've got to be careful and not set a precedent.

Council Member Alexander stated yes, I don't intend to pay for it.

Council Member Broady stated if she wants the problem solved she needs to take the steps.

Council Member Fenner stated but I'm not sure the person who's causing the problem is the person who's concerned about it.

Council Member Alexander stated well they seem to get along, she wasn't to upset with the neighbor and she didn't ask for anything to be done to the neighbor, she's just asking for a solution, so the solution would be that the neighbor could with proper plans stick it in the storm drain which should be right out front.

Attorney McCall stated if you have this condition that seems to exist and you have knowledge about it and take steps, you did put cinders down, there is a liability to the town. How is the water getting there?

Council Member Alexander stated it just runs down, it runs on the driveway and out into the road.

Council Member Fenner stated it was on the sanitary sewer and the town came in and ordered him to take it off and he took it off like the town told him to and now we're telling him he can't do that.

Attorney McCall stated it's a catch 22.

Council Member Alexander stated so John can we find out if there's a storm drain in front of the house.

Mr. Toombs stated yes sir we can.

Sellersburg Town Council
Regular Meeting
January 13, 1997
Page 8.

Council Member Alexander Addresses Council/Ice On Road 609 W. Utica Street

Council Member Alexander stated and as far as doing our part, if we find there is a storm drain in front of it address the problem, and there's a storm drain in front of you and you need to stick the pipe in there. I need to call the lady back and say we are going to ignore you.

President Eddings stated call her back and say just what you said, there is a solution but the town can not afford to pay for it.

Council Member Alexander stated I know, right.

President Eddings stated but the solution is if the pipe exists and in the meantime we put cinders out there to try to keep some traction.

Council Member Alexander stated okay and I want to take this time to thank Dave Broady for his year of service as Town Board President and I thought he did an outstanding job and I'd like to welcome Mr. Eddings aboard.

Attorney McCall Addresses Council/Rezoning Material & Miscellaneous Material Passed Out

Attorney McCall stated I want to give you a copy of this and the rest goes to Linda. The rezoning material I put it all into a packet. It's on the zoning. I'm also going to hand you some information that I want you to have on various projects that the town is thinking about and you can take a copy and pass it down. It's a considerable amount of material. I have some copies of ordinances from other municipalities and also a copy of the statute concerning water and sewer rates.

Council Member Alexander stated test on Friday.

President Eddings stated all of this concerns rates?

Attorney McCall stated information regarding sewer and water so it is a considerable amount of information. This is a starting point with some recommendations for your information. It's pretty straight forward. That's all I have.

Attorney McCall Addresses Amending Ordinance 96-656 With Ordinance 97-662

Attorney McCall stated on Ordinance 96-656 I didn't realize there was a problem, I just basically did the legal terminology. I will have it corrected for the next meeting and you can go ahead and vote on it.

Motion to consider Ordinance 97-662 upon completion of a formal written copy to amend Ordinance 96-656 on the first reading made by Council Member Fenner and seconded by Council Member Alexander.

Vote 5-0

Attorney McCall Addresses Amending Ordinance 96-656 With Ordinance 97-662

Motion made by Council Member Broady to approve Ordinance 97-662 upon completion of the formal written copy and seconded by Council Member Fenner.

Vote 5-0

Clerk Treasurer Schafer Presents Ordinance 97-663/Transfer Of Appropriations

Ms. Schafer stated I have an ordinance I would like to present to the council. The way that the payroll fell there was 32 hours in one year for the Chief Deputy's salary, Patty Crawford's salary and a couple of the Street and Sanitation people where it fell a little short. I spoke with the State Board of Accounts and they said to get the payroll out and I talked with several of the council members that I could get a hold of and they approved tentatively to go on and issue the payroll and present this retroactive back to December 31st of 96.

ORDINANCE

97-663

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1996, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1996 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the Clerk Treasurers Dept. and the Street & Sanitation Depts. to meet the emergency.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balance which will be available for transferring as follows:

Acct. #, NAME, & AMOUNT

TO ACCT. #, NAME & AMOUNT

GENERAL

GENERAL

CLERK TREASURER

CLERK TREASURER

CT-112 CHIEF DEPUTY SAL. 300.02
CT-113 TOWN HALL CLERK 220.10

CT-351 ELECTRIC 300.02
CT-351 ELECTRIC 200.10

STREET & SANITATION

STREET & SANITATION

SS-115 STREET SALARY 2973.84

SS-124 GROUP INSURANCE 2973.84

Clerk Treasurer Schafer Presents Ordinance 97-663/Transfer of Appropriations

Motion made by Council Member Alexander to consider Ordinance 97-663 on the first reading and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Voyles to approve Ordinance 97-663 and seconded by Council Member Alexander.

Vote 5-0

Clerk Treasurer Schafer Presents Proposal From Southern Indiana Awning

Ms. Schafer stated we are having a slight problem with water seeping in the back doors of the building and I had checked with an awning company to see what they would charge to install two awnings over the back doors. We've had Koettters out twice to seal one door and I don't know that we've had that big of a problem but even having those two areas locked with a key, employees coming in or council people or anyone else, my staff coming in when it's raining there's nothing there to keep them covered until they can get the key in the door and unlocked so I'm requesting that the council allow me to spend the little bit of money left in the Town Hall Building Fund to have two awnings installed on at least the back doors. I did get an estimate for the whole building if the council would be interested. It would be \$390.00 to install those two standard straight slope styling awnings on the doorways.

Motion made by Council Member Alexander to accept the bid from Southern Indiana Awning in the amount of \$390.00 for the two back doors at the town hall and seconded by Council Member Voyles.

Vote 5-0

President Eddings Presents Monthly Claims From Environmental Management Corp.

President Eddings stated we have the vouchers for a sewer refund on yearly sprinkler adjustments and a voucher for nsf checks, sales tax and meter deposit refunds. The voucher for the yearly sprinkler adjustment is \$161.62 and the voucher for the nsf checks, sales tax and meter deposit refunds is \$3,363.28.

Motion made by Council Member Broady to approve the claims from EMC and seconded by Council Member Alexander.

Vote 5-0

Ms. Schafer stated Joe I have one question, on the sprinkler adjustment I thought that was a transaction and a computer transaction, is this something different?

Mr. Goergen stated yes because this guy is no longer a resident. He moved out of town.

Clerk Treasurer Schafer Presents Claim/Southern Indiana Excavating

Ms. Schafer stated I would like to present for approval a claim, evidently there's a company working for Servend, Joe can clarify this, they had ruptured a water line which drained quite a few thousand gallons of water from our Servend tank. We had hired Southern Indiana Excavating to help and thank goodness we did have a council member because we couldn't locate anyone and we would of lost probably all of our water in the tower so Mr. Broady's company did come in and fix that for us. I would like to present this claim for approval of the council for the repair that he had done on the waterline and we do plan to recover this money.

Motion made by Council Member Alexander to approve the claim to Southern Indiana Excavating in the amount of \$800.00 and seconded by Council Member Voyles.

Vote 5-0

Clerk Treasurer Schafer Presents Claim/Attorney Lonnie Thomas Cooper

Ms. Schafer stated I would like to present to the council a portion of this bill is a past due amount. The council had tabled it at a previous meeting to Lonnie Cooper an attorney that I have hired to do some legal research. The past due amount is \$1,290.00 and the current balance is \$3,300.00 which brings the total of this bill to \$4,550.00 would be an encumbered amount and \$40.00 payable in 1997. I'd like to present it to the council for approval.

Motion made by Council Member Broady to approve the claim and seconded by Council Member Alexander.

Council Member Broady stated I'd like to get the advice of our attorney.

Attorney McCall stated as it stands you have a packet there in front of you which addresses that issue or addresses our position.

Ms. Schafer stated could you speak up a little bit I can't hear you.

Attorney McCall stated sure, it addresses this particular bill also if this were to be paid today it would agree with what is in that particular packet, the information obtained there. To me and as we've talked about it there's still some questions of the exact nature of the legal work that pertains to the claim. Does it fit under the statute? There is no case law and we sought an Attorney General's opinion without success and I think this is the next step, file a petition, get a judgement and a mandatory injunction which to me seems redundant but it's been filed so, or I believe he will file it if you don't pay this particular claim. I think there is a defense to it based on the verified petition. I don't know if the court will decline to grant a mandatory injunction. I'm saying to you that I think there is a defense that you can pursue an answer to this, have a trial court decide either for a bench trial or through a jury trial as to what the statute means, at this point and they will make a ruling one way or another against the town or for the town so the next step is this would be filed and of course I would answer and it would be decided to be a bench trial or a jury trial according to the rule, take it from there.

Clerk Treasurer Schafer Presents Claim/Attorney Lonnie Thomas Cooper

Council Member Broady stated I have a question. If we pay this bill and paid Lonnie for his services what have we gained as a matter of fact what has Linda gained? Have we resolved the legality of what this bill was over to begin with?

Attorney McCall stated no, there's been no resolution to, I guess the questions were framed to I understand one of the questions being EMC's roll when contracted with the town, the Clerk Treasurer's roll when EMC comes in and basically the Clerk Treasurer having to be responsible for certain aspects of bookkeeping and the council and how EMC affects those people so this has not resolved, that's still a pending question.

Council Member Broady stated I'm just trying to figure in my mind here if we pay it and nothing is resolved, I'm sure we would expect more legal fees here.

President Eddings stated until that issue is resolved we can expect to encumber more legal fees especially if we set a precedent to go ahead and pay this.

Attorney McCall stated until the appropriation runs out and then the request can be made for additional appropriations. You've appropriated \$5000.00 to my knowledge and what this bill takes is what, \$50.00 of that?

Ms. Schafer stated \$40.00.

Council Member Broady stated so does the majority of this board that were looking at now feel since this is a defense against us, feel this is something we should or should not do?

Attorney McCall stated I have no idea what this board feels.

Council Member Broady stated you know I think it was \$1200.00 and now it's \$4000.00 and we're not really any closer to resolving what you were hired for in the first place.

Mr. Cooper stated and that's really the sad part of it is that we go from a legitimate controversy or issue on the clerk treasurer's responsibilities in regard to billing in the utilities to this side issue of, I guess it's a catch 22. If she can't pay an attorney to pursue the real issue then we back track and have to deal with the side issue of does she have the right to hire an attorney and that's really sad, on this bill I would say as Perry indicated to you there is no case law under the section of the clerk treasurer. I'd say somewhere between three and four hundred maybe five, that has been devoted, now mainly the drafting of that. I would of much rather drafted a complaint for the clerk or a judgement on the issue of is she going to handle the utility bills or not but you can't go forward with that until we resolve whether she can hire somebody and it's sad but the majority of that is still on the main issue.

Council Member Broady stated if we turn this down, this legality on this, is that going to solve the issue?

Attorney McCall stated it's not going to solve, it's going to solve part, this is simply for the attorney to question and what I read it simply deals with that issue, is she entitled to those attorney fees for this type of work etc., that would be resolved yes, that's one thing, it doesn't go back and resolve any of the other questions that have been asked and were never really answered about what simply is the role of the clerk treasurer.

Clerk Treasurer Schafer Presents Claim/Attorney Lonnie Thomas Cooper

Council Member Broady stated I have no problem of saying Linda has due right to have counsel by law but what we are concerned with is the issue that she's having the counsel over and the possible legality.

Mr. Cooper stated you might go back to your original question though, if I have to file on that, everything that deals with that up until we get a decision on it say we, the clerk treasurer, all of that money will be and all of that time will be on the issue of the right to counsel.

Council Member Broady stated and we'd still have that to address.

Attorney McCall stated there's a prayer for legal attorney fees in this particular judgment. There's not an answer to this particular statute. If you want me to say that's exactly what it says I don't believe that's exactly what it means. I think there's a question about that particular statute and there's nothing that I can show you and say here this is one that's already been ruled upon, already been decided, it's not happened. We could be the test animal for this particular one or you can pay the claim. If you don't pay the claim that's going to be filed, it's as simple as that and it's been stated to you and there's going to be a determination of who's right and who's wrong.

President Eddings stated the reason that money is appropriated is so Linda has the right to check these things out and it just so happens that she's checking out something that's never been checked out before. My opinion is to pay the claim and give Linda the money to go ahead and hire the attorney, check it out and then if the boards right or wrong we'll go from there.

Council Member Alexander stated I agree with that 100% because dealing with the problem of giving her the money is not the issue. The question we want answered is the role of the clerk treasurer and this doesn't reflect like any other town, some of the squabbles that are going on I think. Both sides have been very respectful to each other and I mean we are not fighting with the clerk treasurer we're just trying to get a legitimate question answered.

Attorney McCall stated you don't understand that Mr. Cooper represents Linda and I go for this group. Is it proper or appropriate for the town to access attorney fees in anticipation of litigation against the town and that was the question that came up originally, is that what this statute intended and there's no legislative history to fall back on and say this is what was intended when this was introduced and passed. It's just not available so that was one question that came up early that we talked about. Do we pay for anticipation, an attorney on behalf of Linda to sue us? Do we pay for that to find out if it can be done? That was the the question that came up originally, now there's \$5000.00 appropriated, pay the \$5000.00. The next issue I see coming up would be the request for additional appropriations. Can we go over and above that and that's unknown also again I have no problem with attorneys making money or earning money I'm just saying I think it's more complicated than just that but it is the town board's decision.

Council Member Broady stated if it goes to trial, would this solve the situation?

Clerk Treasurer Schafer Presents Claim/Attorney Lonnie Thomas Cooper

Attorney McCall stated at that point if we lost we would have the right to an appeal. If he is successful ultimately everything that he has incurred at this point he would have to be compensated for, an appeal is an expensive proposition for anybody.

Mr. Cooper stated I think that's true but and maybe I've got a misimpression because we have a controversy. We just have a legitimate controversy about what the clerk treasurer's responsibility is and my understanding was that at least some of the board members wanted the controversy gone. Our feeling is on the clerk treasurer's duties issue, we are not looking for an appeal and this and that, we want the issued resolved, to get an independent judge and by the way there's a statute that if we take the issue of the clerk treasurers responsibilities before it's not just one judge, we've got a panel to get down to the issue of who has the responsibility of the duties and I think with a three judge panel, we can all live with a three judge panel. We can get a ruling and I think I mentioned before that if the clerk treasurer gets a ruling that she doesn't particularly like she no longer has exposure. If a three judge panel says EMC can do it than the clerk treasurer can go forward and do her job whether it's the way she'd like to do it or not and not have to worry about legal problems but without the judicial ruling, if we're right and the town board is wrong she can continue her job performance. We're just looking for an answer.

Council Member Alexander stated she'll have the final responsibility even if we have to go in for additional appropriations and basically if an election comes up it's not going to fall on us. Linda has taken the responsibility and she's not going to go in and try to make \$20,000.00 for an attorney, she's trying to get a legitimate question answered and even if we did go in to that situation I wouldn't expect her to pay for it. She's an elected official just like we are, so far we've been on the same team as far as moving Sellersburg forward and I want it to continue that way and even if the council is right I would still not expect her to pay that claim.

Vote 2-3 with Council Member's Fenner, Broady and Voyles voting not to pay the claim.

Clerk Treasurer Schafer Presents Claims From The Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period.

Motion to pay the claims as presented made by Council Member Alexander and seconded by Council Member Voyles.

Vote 5-0

Chief Kinder Addresses Snow Removal By Street Department

Chief Kinder stated I just wanted to thank the street department regarding the big snow, let me tell you something Mark and Travis were out all night long and they did a good job. The police department got alot of telephone calls with compliments on the streets so...

Council Member Alexander stated the department got an A+ and as far as the council member over that department, he gets a C-. We've got to work on some salt because we still have a couple of areas that salt would of made it terrific but the department got an A. They were out like you said but as far as my position I get a C.


Chief Kinder stated it suprised alot of people, like I said we got alot of calls.

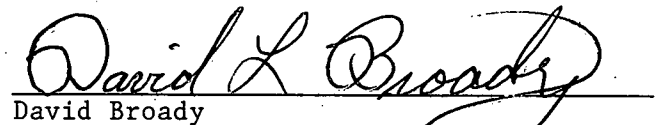
Adjournment

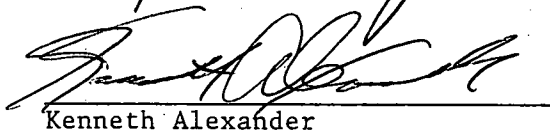
Council Member Broady made the motion to adjourn this meeting and seconded by Council Member Voyles.

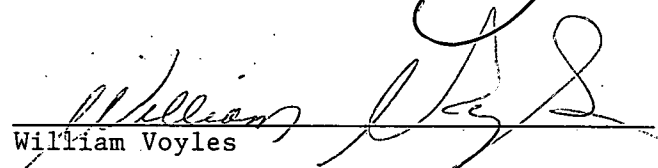
Vote 5-0


With no further business this meeting was adjourned by President Eddings at 7:25 p.m.

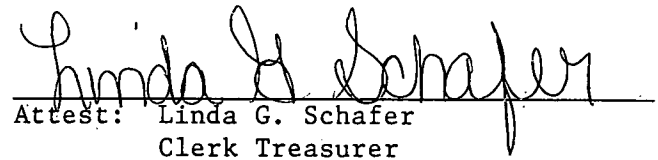

Aulton B. Eddings, Jr.


David Broady


Kenneth Alexander


William Voyles


Gary Fenner


Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

January 21, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss water and sewer rates. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Perry McCall, Town Attorney; and Linda Schafer, Clerk Treasurer; with William K. Voyles being absent.

Called To Order

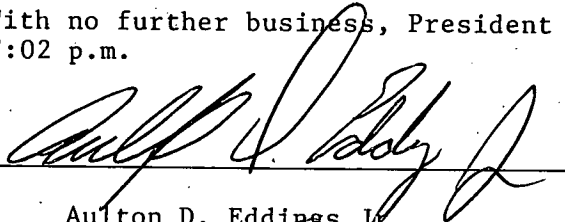
President Eddings called the executive session to order at 6:10 p.m.

Topic of Discussion

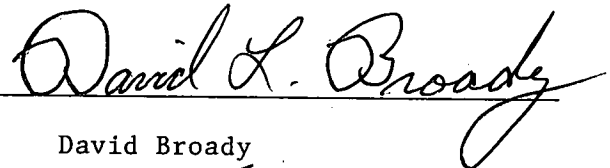
Water Rates/Utility Regulatory Commission
Sewer Rates
Henryville Contract For Water

Adjournment

With no further business, President Eddings adjourned the Executive Session at 7:02 p.m.



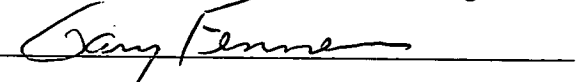
Aulton D. Eddings Jr.



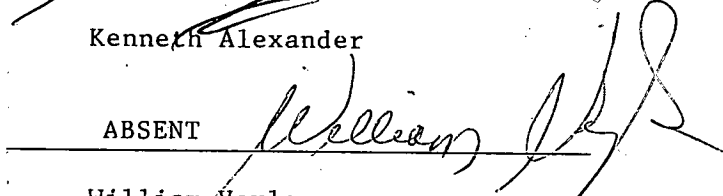
David Broady



Kenneth Alexander



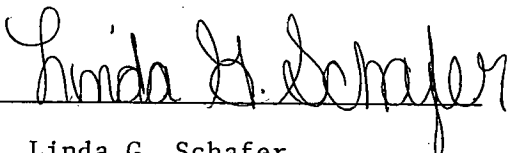
Gary Fenner



ABSENT

William Voyles

Attest:



Linda G. Schafer
Sellersburg Clerk Treasurer

SELLERSBURG TOWN COUNCIL

January 27, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney arriving at 6:58 p.m.

Called To Order

President Eddings called the Regular Meeting to order at 6:32 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Eddings dispensed with the reading of the minutes from the meetings on January 13th and January 21st and requested a motion to approve the minutes as presented.

Motion made by Council Member Broady to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Tony Bennett Addresses Council/Sewer Tap For His Property On Poindexter Lane

Mr. Bennett stated I'd been here on time but my two year old son stuck a button up his nose before I left the house.

Council Member Voyles stated been there, done that.

Mr. Bennett stated I came this evening to try to apply for a sewer tap at this particular property located on Poindexter Lane. Anyone in particular I need to give this to, actually it's this property here, this being Poindexter. D. F. Wright Plumbers in New Albany will install a force injection system to run to Poindexter at which point I'll have Huelsman Sweeney come out to run the remainder of the line.

President Eddings stated is this for a private?

Sellersburg Town Council
Regular Meeting
January 27, 1997
Page 2.

Tony Bennett Addresses Council/Sewer Tap For His Property On Poindexter Lane

Mr. Bennett stated for my personal home. We had initially proposed to do a septic system in that area but apparently the ground is not really conditioned to do that. It's always fun to find that out after the fact. I think a gentleman by the name of Jim Young with Huelsman, Sweeney will actually do the installation.

Council Member Broady stated you just need to come into the office and pay the tap in fee.

Mr. Bennett stated very good.

Council Member Broady stated I think that's all you have to do.

Mr. Bennett stated thank you very much.

Council Member Broady stated we didn't know if it was for one house or several.

Mr. Bennett stated that may be a possibility at some point in time, maybe several years down the road but not at this time.

Council Member Broady stated you just need to come in and pay the tap fee and the inspection fee.

Mr. Bennett stated I'd be happy to do that. In this building?

Council Member Broady stated yes.

President Eddings stated you're going to be running some sewer lines as well right?

Mr. Bennett stated from the sewer system in fact I think as I understand it, we have to stay two and a half feet or two feet from the waterline and then of course we will honor that as well as the various codes.

President Eddings stated Joe do you need to inspect this?

Mr. Goergen stated yes.

Council Member Fenner stated what kind of time frame are you looking at?

Council Member Alexander stated yesterday.

Mr. Bennett stated three weeks ago.

Council Member Alexander stated you're right on time then.

Mr. Bennett stated I was closer to being on time for here than for that.

Sellersburg Town Council
Regular Meeting
January 27, 1997
Page 3.

Building Commissioner, Bob Stewart Addresses Council

Mr. Stewart stated it's been very quiet, very little going on. I would like to report on the speak easy that was discussed over at the Old Steve's Market. We had a proposal from a young lady to put an exercise place in there.

Council Member Fenner stated she was here last meeting.

Mr. Stewart stated there's no place to plug that in as a B-1, after taking it before the zoning appeals board they graciously agreed that is was as close to a cultural facility as there going to get so you now have a cultural facility within the Town of Sellersburg. They just need to bring it up to code. You should see some progress in a few weeks.

Joe Goergen-Environmental Management Addresses Council

Mr. Goergen stated I have the monthly report for the month of December and the two week revenue report. I have two other items to discuss, number one being on January 17th we had an IDEM inspection at the Waste Water Treatment Plant. They cited us for violations in November and December for excessive flow. This increases the need for the retention basin and the last thing I have is the request for sprinkler adjustments which is transferred from the sewer fund to the water fund for 95 and 96.

Ms. Schafer stated Cheryl do you have a sewer voucher. I need to get the council to sign. For 1995 sprinkler adjustments are in the amount of \$475.00, \$875.00 for 1996 adjustments so it will just be a check that I will write from the sewer utility depositing it into the water.

Mr. Goergen stated can I do them both on one?

Ms. Schafer stated I don't see why not.

President Eddings stated I'll entertain a motion to adjust the water and sewer accounts for the sprinkler adjustments.

Ms. Schafer stated these are annual fees, some of them may be, are any of them like new fees for new residents coming in, a registration fee.

Mr. Goergen stated these are only the ones that were at the year end adjustment.

Ms. Schafer stated okay so they are all the annual fee for 1995 and 1996 each resident. What it amounts to each pays an annual fee for the sprinkling adjustment fee, it's actually maintenance for the guys to go out and read the meters and things like that so what we do is we do the adjustment at the end of the year, they read them in October and we do the adjustment and then withhold that \$25.00 so EMC really has no way of transferring that so I can do the check and transfer that.

Motion made to transfer the funds from sewer for the 95/96 sprinkler adjustments made by Council Member Broady and seconded by Council Member Voyles.

Vote 5-0

Sellersburg Town Council
Regular Meeting
January 27, 1997
Page 4.

Council Member Alexander Addresses The Water Department Pulling Out of Utility Reg. Comm.

Council Member Alexander stated we've been investigating the water utilities for the last year and a half and I would love to stand up and give you our 300 year plan. I think we've reached a point with the board as far as one positive step that we need to persue. Was Henryville contacted?

Ms. Schafer stated Perry was suppose to be checking into that.

Council Member Alexander stated okay one thing that I would like to get started, even though, well I guess I should wait until Perry gets here.

Council Member Broady stated go ahead.

Council Member Alexander stated I would just like to start the process to pull us out of the Utility Regulatory Commission for the water so it is basically it will act like our sewer department where we still have to have our public hearings before a water rate increase but the process is alot shorter.

Motion made by Council Member Alexander to start the process to pull the water department out of the Utility Regulatory Commission and seconded by Council Member Broady.

Vote 5-0

Council Member Alexander stated let the process begin.

Council Member Alexander Addresses Raising Sewer Tap In Fees

Council Member Alexander stated something else we've investigated along with that was the water and sewer taps, at this time everyone should have a copy of the sewer tap ordinance in front of us, it basically mirror's Jeffersonville's to a "T". Joe and myself reviewed it for some potential scenarios that could happen to the Town of Sellersburg. We feel that the taps are for the capacity of the plant, basically when you come in and you attach to the sewer you are buying capacity and we feel that this rate will ensure that we are staying ahead of the capacity instead of just waiting until we are full and figuring out where the money is going to come from.

President Eddings stated so the resident is going up from \$450.00 to ...

Council Member Alexander stated \$1,000.00.

Council Member Fenner stated within the town limits.

Council Member Alexander stated within the town limits, outside the town limits will be \$1500.00, on like motels or apartments, the reason we like this language is because of the leeway to not have just a set fee because every apartment or motel will have different scenarios we felt this gave us enough leeway to adjust it to the needs of the town instead of either, "A", telling the developer no you can't do it. This gives us a positive outlook basically to say hey we're open for business.

Council Member Alexander Addresses Raising Sewer Tap-In Fees

Council Member Broady stated are you going to present this tonight?

Council Member Alexander stated if some people need to digest it. I'm comfortable with it and ready to pass it, if you'd like to look over it for two more weeks.

Council Member Fenner stated tell us how it compares to local, other local towns.

Council Member Alexander stated Clarksville right now is \$1200.00 residential, Charles-town is \$800.00, they just went up to \$800.00. The reason we were trying \$1200.00 since Clarksville is right there \$1200.00 is kind of a negotiable in between and then when we looked at Jeffersonville it seemed to be the fairest. It seemed to do what we wanted to do as far as getting ahead of the game. We thank the people of Jeffersonville for all of their hard work. The whole basis behind this is we want as a town to be able to tell any developer we're ready. We're not the old Sellersburg where you're going to have to jump through 500 hoops and when you get to the end of it maybe you can hook on, maybe you can't. I think this is a positive step and we can put our open for business signs out and we're ready to grow.

President Eddings stated I'd like to look at this a little more.

Council Member Alexander stated that's fine.

Council Member Alexander Addresses Proposed Rate Study From Umbaugh & Associates

Council Member Alexander stated I'd like to have Umbaugh & Associates look over our sewer department. We're getting ready to put the pond in as everyone knows and look over the finances and come up with a couple of scenarios for the town board as far as the financing.

Council Member Broady stated I make the motion to go on and let Ken check with them to get an idea of what the cap cost would be. Do you have any problem with heading that up Ken?

Council Member Alexander stated no, I have no problem. I would also like to take the rate study and different options that we discussed in the executive session and run those by them to for the water department.

Council Member Broady stated you're not talking about full financial liability?

Council Member Alexander stated right, just a part, rather be safe than sorry.

Council Member Broady stated you can come back and give us some options.

President Eddings stated are we going to put a limit on the amount of fees?

Sellersburg Town Council
Regular Meeting
January 27, 1997
Page 6.

Council Member Alexander Addresses Proposed Rate Study From Umbaugh & Associates

Council Member Alexander stated we'll be very negotiable when we call. I'll ask before I go up and if it's going to be ridiculous, we are going to need it. We'll pin him down. I hope not be exceed \$5000.00 hopefully he'll do it for \$2.00 but I don't think so.

President Eddings stated there is money available for it, the study?

Council Member Alexander stated yes, I think it will give us different scenarios.

Motion made by Council Member Broady to have Umbaugh & Associates review the finances for the retention pond and also for the sewer and water rate study and seconded by Council Member Alexander.

Vote 5-0

Council Member Alexander stated I'd just like to add the journey has begun. I'm sure it's no secret when you're talking rates that you know I can remember not being on the council and picking up the newspaper and what your first view of it is and hopefully we are going to take people through it. What I really want to do is town hall meetings where people can come in if they are interested. I don't want them to just hear one side of it. What we are trying to do is to take Sellersburg a leap ahead instead of always taking care of problems a day behind and I'll be quiet now.

Clerk Treasurer Schafer Addresses Bill From CSX Transportation

Ms. Schafer stated I was hoping to see Perry tonight.

President Eddings stated if you hurry you won't have to.

Ms. Schafer stated that wasn't funny. For the past couple years we have paid for this pipeline encroach to CSX \$12.00 for an annual fee, is that correct? I received the bill this year for \$100.00. Do you have any idea why? I was going to have Perry review this. It has the same contract number so it would have to be the same one.

President Eddings stated why don't you just let Perry review it.

Ms. Schafer stated that's what I was going to do and he's not here so...

Council Member Broady stated he's suppose to be here.

President Eddings stated he said he'd be 30 minutes late.

Sellersburg Town Council
Regular Meeting
January 27, 1997
Page 7.

Ms. Schafer Presents Claim From State Board Of Accounts For Annual Audit/Water & Sewer

Ms. Schafer stated I received a bill for our annual audit for our water and sewer utilities and I'm not for sure if that was part of your contract with the town or if it's an out of scope bill regardless I have to have it approved if I pay it so you can review it and then give me the okay to, if it's out of scope. It's for the 1995 audit they did.

Council Member Broady stated do they audit every year like they do the town.

Ms. Schafer stated yes, well with the population we have it's more secure to do it because we pay twice as much for them to come in every two years and it's harder for them to get the information. This is an annual bill but I wasn't for sure if it was part of...

President Eddings stated do you have a voucher?

Ms. Schafer stated yes.

Council Member Broady stated you don't know if it's ours?

Ms. Schafer stated I don't know if that was a part of what you are paying EMC or if it is an out of scope fee that I would pay.

Council Member Alexander stated out of scope.

Ms. Schafer stated it's under \$2000.00 so normally they would pay it and bill us back. I can't see that, it takes too long to do that.

Council Member Alexander stated I would think with an external audit there would be a classification in there.

Motion made by Council Member Broady to pay the claim in the amount of \$1481.00 from the sewer and \$1647.00 from the water utility to the State Board of Accounts contingent that it's not under EMC's scope and seconded by Council Member Alexander.

Vote 5-0

Clerk Treasurer Schafer Presents Claims From the Civil, Water & Sewer Departments

Ms. Schafer presented the claims from the civil, water and sewer departments for the last two week period.

Motion made by Council Member Broady to approve the claims as presented and seconded by Council Member Alexander.

Vote 5-0

President Eddings Addresses Council/IDEM Permit Fees

President Eddings stated I got some forms, looks like we've got to pay some sort of IDEM permit fees annually.

Ms. Schafer stated I get those. They aren't due until about March or so.

President Eddings stated March.

Ms. Schafer stated I'll hold them until March.

President Eddings stated he was exactly, he said 30 minutes and it's exactly 30 minutes. When you get settled Perry if you've got anything we are to you.

Attorney McCall Presents Ordinance 97-662 Amending Ordinance 96-656

Attorney McCall stated I have Ordinance 97-662 amending Ordinance 96-656, this was passed at the last meeting. I just need your signatures.

Ordinance 97-662 as follows:

ORDINANCE NO. 97-662

ORDINANCE AMENDING ORDINANCE NO. 96-656

WHEREAS, the Town Council for the Town of Sellersburg, did on the 9th day of December, 1996, pass Ordinance No. 96-656, thereby approving various transfer of appropriations of the Town of Sellersburg Police Department; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Clerk-Treasurer that Paragraph 1 of said Ordinance involved an improper transfer of appropriations; and

WHEREAS, the Town Council for the Town of Sellersburg desires to amend said Ordinance to delete Paragraph 1 as advised by the Town of Sellersburg Clerk-Treasurer; and

WHEREAS, this matter was considered at an open meeting in which the public were invited to attend and participated; and

WHEREAS, the Town Council has determined that said Amended Ordinance is necessary for the efficient and effective administration of Town Government;

BE IT THEREFORE ORDAINED AS FOLLOWS:

That Ordinance No. 96-656 shall be and hereby is amended so as Paragraph 1 of said Ordinance is hereby deleted and the appropriation requested contained in said paragraph voided.

Attorney McCall Presents A Copy Of His Original Contract Renewal

Attorney McCall stated you needed a copy of my contract that was renewed. I have a copy of it here for you.

Attorney McCall Addresses Council Regarding Sprint

Attorney McCall stated have we heard from Sprint? Mr. Dean from Sprint?

Ms. Schafer stated pertaining to what? I've been getting money from him.

Attorney McCall stated the tower?

President Eddings stated it's up.

Council Member Fenner stated it's been up for awhile.

Attorney McCall stated well I had called him at one point and I hadn't heard anything.

Ms. Schafer stated I'm getting the money so you won't here anything.

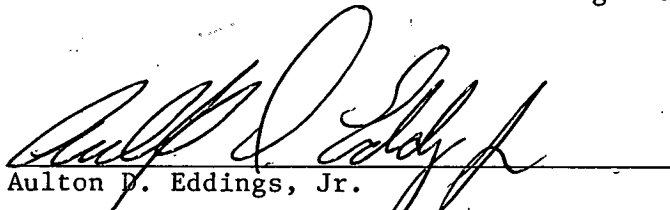
Attorney McCall stated as long as you're getting the money.

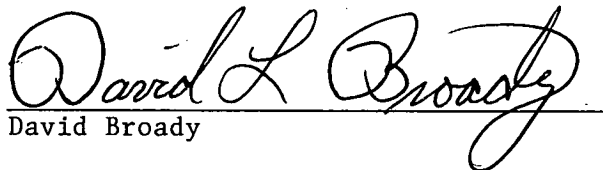
Adjournment

Council Member Broady made the Motion to adjourn and seconded by Council Member Voyles.

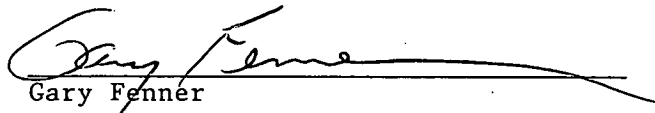
Vote 5-0

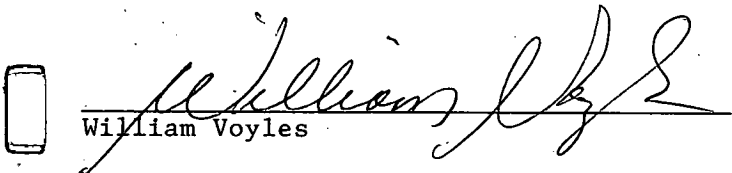
With no further business this meeting was adjourned by President Eddings at 7:02 p.m.

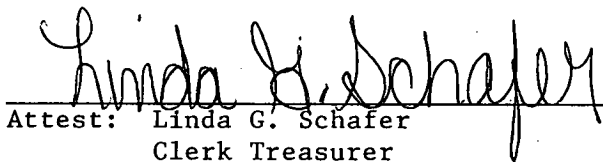

Aulton D. Eddings, Jr.


David Broady


Kenneth Alexander


Gary Fenner


William Voyles


Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

February 10, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the Executive Session to order at 6:05 p.m.

Topics Of Discussion

Rate Study/Umbaugh & Associates
Indiana Regulatory Commission/Opting Out
Scheduling Special Meeting/Public Hearing
Amending Sewer Tap Fees
Court Hearing/Mandatory Injunction

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:32 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the Regular Meeting to order at 6:37 p.m.

Prayer

Father Paul Richard offered the prayer for this meeting.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 2.

Pledge Of Allegiance

The Pledge of Allegiance to the flag was recited.

Minutes Of Last Meeting

President Eddings dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Fenner.

Vote 5-0

Jody Barham Addresses Council/Ditch On North New Albany Street

Mr. Barham stated this is concerning the problem where the water that comes up out of the street down on New Albany Street. I guess it's been coming out of the street for some time and the long story short is I guess that the city agreed to make whatever necessary repairs that there were in front of the apartment building next door to where I am building an apartment building and in my opinion all they've done is relocated this problem and put it on my property and now I have to make whatever necessary repairs and I've been told that I have to bear the grunt of this expense to run this water on past my property and into the creek. Well I've got a problem with that because number 1, when you're figuring all of the expenses of putting up a building and all that you kind of like to have all of your ducks in a row and know what your expenses are going to be and this is an additional expense that I was not made aware of until after the fact. I thought I had come to a relatively ease resolve in that all of the property all around the building was already tore up, the backhoe was there. You know it just seemed to me it could of been repaired and I even agreed to pay for the pipe to go under it but now all of the works done, the equipment has been pulled off and now I'm expected to do something and there's standing water now on my property that's like two feet deep and presently it's a hazard the way it stands so I would like for the city to just do that. If they would just dig the ditch and I'll supply the material and let it run on where it should because I was never advised or anything as to what you all were going to do until it was happening and while it was happening it seemed the easiest way to resolve it was what I just said but it was over looked and my understanding is because I'm new construction that I should have to pay for it and I don't see where that has any bearing on it at all. I should of at least been consulted as to what was about to happen and all that instead of just here it is.

Council Member Alexander stated I can answer, after you called me, it's kind of like okay, you've went through all of these departments and where did you go wrong okay, what happened okay, the planning basically took care of your layout, what you were building, made sure you were within code okay, where the problem came was what we're talking about here is the street right of way, actually that ditch is in the street right of way okay, when new construction comes in it's up to the new construction okay, to address the street right of way with the street department as far as what is going to have to be done to my property in order to have access to your street.

Jody Barham Addresses Council/Ditch On North New Albany Street

Council Member Alexander stated now I know there's blueprints that guided you through okay, but that's where the problem comes from, it's a basic street right of way okay, and because of your new construction you're trying to gain entrance from our street that's why because it's new construction that the cost would be put on the owner of the new construction because you're gaining access to or from the street. It isn't automatically granted.

Mr. Barham stated okay I hear what you're saying but why wasn't I told you know you're getting ready to do this and this is the problem that's going to occur and this is what your going to need to do and blah, blah, blah you know, apparently you all knew that you were going to be doing this before I filed for permits or anything you know, so in my opinion I was entitled to at least know what was going to happen I mean I've been watching the water come out of the street for years.

Council Member Alexander stated granted that, because we did make the deciaion and I wasn't brought up to your existing problem until your building was already built okay, and we'd already made plans to take care of the drainage part of it but I mean you know as far as how we or how it came, it's my department, there should of been something out there that said hey look Jody you need to contact this person and make arrangements to gain access to the street you know I'll admit that we failed there I mean it's suppose to be I guess common knowledge which it isn't because I wouldn't of known but then it comes down to the main fact where does it begin and what I'm afraid of happening and I agree with you it wouldn't of been nothing to dig a ditch but still it's looking at all of the other new construction okay even though you're new construction, yes we were there when the pipe was going in what makes the difference if we bring the backhoe out to finish that job then it is to bring the backhoe out on the next new construction to finish theres, the same amount of work is going to take place.

Mr. Barham stated because this was the cities problem, not my problem, now it's my problem. I don't have any problem with paying for it you know whatever it is I need to do. I've spent in excess of \$5,000.00 to get the permits and sewer and water and all of that and it really seems relatively minor especially with the fact that all of the equip-ments was there and it could of been a done deal and you know I just don't think it's right. I think there ought to be some kind of resolve because I wasn't made aware of it you know I'm a very reasonable person as a matter of fact when I talked with you that one day I pretty well thought we'd be able to work it out and it would be over.

Council Member Alexander stated right and after going through and investigating and talking to different people involved you know the main concern is okay, if you grant something that is kind of out of the ordinary you want to make sure it's something you can grant from here on out, see what I'm saying, whatever I do for you I have to have the ability to be able to do it for the next ten guys that come up.

Mr. Barham stated but wouldn't you agree that this particular scenario was not likely to happen I mean this is an odd ball case, the water was coming up out of the street on the other guys property for whatever reason it was covered up I don't know and the problem was scooted down one notch and that's how I perceive it.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 4.

Jody Barham Addresses Council/Ditch On North New Albany Street

Council Member Alexander stated it was his layout that was the problem. He's had an existing ditch that was there the problem was when they filled in his ditch okay they created a problem by the water coming out of the ground going across his property and then it was being diverted onto the street and then half the water went all the way across the street and the other half went down to where there use to be an existing ditch okay so basically what we did even though we did make arrangements with Mr. Hunter, we put the problem back the way it use to be twenty years ago I mean there use to be water flowing down a ditch. There use to be a 10" pipe with one single entrance okay and the rest of it was ditch line we basically put it back the way it was fifteen or twenty years ago or whenever that happened and I mean I understand if there's someone that want to give me some insight I'll be more than happy to hear from it but my main goal is making sure that I can make this perpetual to whatever I do that it's something that I can be consistent with.

Council Member Fenner stated correct me if I'm wrong but you know my understanding of the situation has been simply that the town, that there was a problem with the water running across the street and running into the yard or the area of the apartment complex next to yours and so the town corrected that problem and put the water back where it was suppose to be which is in that ditch that the town has a right of way to put the water into and so the water is back where it's suppose to be and that's in that ditch, it's just unfortunate that at the time we did that was the time that you were getting ready to do your construction and so I don't see where you know, I understand you're just looking at a neighbor saying well he got something and I want the same thing but it seems to me that it's a totally different situation. I think the town took care of the problem am I correct anybody?

President Eddings stated what I suggest is we get John to go out and look at it and see if we actually caused another problem or have we corrected the problem the right way. I mean there's got to be I would say, anything that you've done there should be a drainage passage way to the creek bed or something.

Council Member Fenner stated there's got to be drainage.

President Eddings stated if the drainage is where it's suppose to be where you're at and you're there then thats where the drainage is, if we've diverted something and caused the drainage to be there then it should be our responsibility. I would like to have an engineer that knows the town, that knows the drainage system to see which way it actually went.

Mr. Barham stated well why don't we just cut through the chase, whatever it's going to cost you to have an engineer come out there, just have the backhoe and I'll have the supplies. I just want the problem resolved. I understand that it was suppose to run through a ditch but there was no ditch there, there wasn't a ditch that I had to contend with up until right now as far as I was concerned I could grade right across there because that's the way it was.

Jody Barham Addresses Council/Ditch On North New Albany Street

Mr. Barham stated that's all I knew so you know you're probably talking an hours worth of backhoe and then hooking up the pipe which I will buy. I'm sure an engineer is going to cost more than that. I think it is a simple solution. If nobody here has seen it I'd like for you to see it. I think it's a waste of money to hire an engineer to do it. Have you seen it Dave?

Council Member Broady stated I'm familiar with it.

Mr. Barham stated are you familiar with the way it looks right now?

Council Member Broady stated not particularly, I haven't been by it since they've got it done.

Mr. Barham stated it's this deep in standing water right in front of the place.

Council Member Fenner stated that's at your property line?

Mr. Barham stated actually the pipe ends about eight feet in my property line as it is.

Council Member Alexander stated the big point that I want to impress on you okay, that's the cities property okay, that's the biggest point that I want to impress on you okay, I mean it's your property but we have the right of way to keep and the reason we have the right of way is so that we can keep the natural flow of water getting where it's suppose to go. That's where the communication broke down and I'll take the blame for that okay, because we don't have anything that says okay if you're coming in I guess it's one of those things that's commonly known or whatever but in particular cases if you see where you've got a level or a small ditch coming in you know I can't say if I was building that I would come in and say I'm gonna do this is there anything I need to do but you know that's what's suppose to be done under new construction, you're suppose to come to the street department and say hey you know I'm coming across your right of way with a driveway what do I need to do.

Mr. Barham stated what about when you apply for your permits?

Council Member Alexander stated none of that is for that, see the planning is for your building, your layout okay, I mean there might be a way to incorporate that but basically what we are talking here is getting from gaining entrance from the street right of way.

President Eddings stated how about if we take a look at it and get back with you. I don't think we're going to be able to solve anything tonight.

Mr. Barham stated I'm kind of in a bind situation myself. We are about to the end of the line here. We need to do some grading and so on.

President Eddings stated what's your phone number.

Mr. Barham stated 246-5781 is my work number.

President Eddings stated we will get back in touch with you, thanks.

Albert Kessinger Addresses Council/Vacating Alley

Mr. Kessinger stated I'm concerned about the driveway, well it's an alley, it's been abandoned by my house. Have you all read this?

Council Member Fenner stated yes.

Mr. Kessinger stated when this property was first put up for sale my neighbor and myself, we were thinking about buying it. He checked with the building department and a Mark Warren about the alley and he said well you need to go down to the court house and you probably already own half of it. If it's going to stay an alley I'd like to see it paved. It's just going to continue to deteriorate. If it's mine I'd just as soon put up a fence on my part.

Council Member Alexander stated on the mention of the fence are you talking about doing away with the road itself and making it a fenced in area and not using it as a driveway.

Mr. Kessinger stated yes if she will sell her part.

Council Member Alexander stated just some quick references as far as what your concerns are. We really need to have, on something like this, it's not, we haven't abandoned the alley okay, as far as your reference to the paving part and stuff like that alleys are the last paved existence as far as our budget is concerned okay. I did go over and check the alley and there is a little chipping up and it is an old pavement but it's not what I would call deteriorated because once we pave one they get, it doesn't look pretty okay, but I mean as far as structure wise, it's still got it's content.

Mr. Kessinger stated when I sweep it, it's all dust that I'm sweeping.

Council Member Alexander stated one thing I think and I'm just talking for myself but one thing I would need as far as on the street department, I would have to have an adjoining letter from the other three property owners.

Mr. Kessinger stated yes and I'm sorry. I went down there the other day to get their names and they don't show their addresses yet they show them as the new owners but the computers don't change over until March so I didn't have their address. I did send them a copy of this.

Council Member Alexander stated that would be the first step is to have adjoining letters. It's nothing we want to keep, our biggest thing is we have to be fair to everyone that lives around there and first would be the neighbor adjoining it. He may not want that to transpire and if he doesn't I mean I have to respect his wishes as well as yours okay so if you have two neighbors right in the middle of that alley I'm not going to force an alley on half of a resident but if you do bring in two letters that are adjoining that say hey we'd like to have this alley and we'll make notice to all of the public around in case there is someone that chooses not and give them an opportunity to come in and speak before the board alright and if no one shows up, I mean I've seen the alley and I don't have a problem with it but I think what needs to transpire, that would be my suggestion is if you can come with a letter from both adjoining properties considering the type of action you're talking about them we can start a process as far as letting the property owners around you know.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 7.

Albert Kessinger Addresses Council/Vacating Alley

Council Member Alexander stated then they will have a chance to voice their opinion and if everything goes well. Just talk to the other owners and if you all can work something out agreeable then we can take the next step as far as letting the public around know, a couple of these things you never know but we need to let everyone have an opportunity to come and at least be aware of it.

Joe Goergen-Environmental Management Corp. Addresses Council

Mr. Goergen stated I have the invoice for January and also the revenue report. There are two things relating other than that, one is the setting of the manhole for Jody Barham for \$207.54 relating to that and then \$108.00 for materials for repair at Servend, which they are just reimbursements.

Motion made by Council Member Broady to approve the claim from EMC in the amount of \$5,106.33 from the water department for NSF checks, December Sales Tax, Quarterly Tax, Meter Deposit Refunds, Water Refunds and \$207.54 from the sewer department for the reimbursement for the manhole for Jody Barham and seconded by Council Member Voyles.

Council Member Alexander stated just so it would be easier in case there is a clerical error could we have that in there.

Ms. Schafer stated I reserve that right.

Council Member Alexander stated do we have to do that everytime?

President Eddings stated no.

Ms. Schafer stated Joe and I sort of work together on that.

Vote 5-0

Joe Goergen Addresses Sewer Back Up At 812 Alabama Ave./Tim Conlen

Mr. Goergen stated I have two other items, one a request from Tim Conlen at 812 Alabama he had a deductible that he had to pay for a sewer backup which occurred on New Years or New Years Eve, New Years Day rather and the problem on it was not the main it was on the "Y", both neighbors had problems. The neighbor had a sump pump and when the line was blocked off at the "Y" it went into his basement. It was not on the towns main line that had the obstruction in it. We did open it for them and there is a problem of where the access is to get to it because they paved the driveway over it.

President Eddings stated so it wasn't on our line?

Mr. Goergen stated it was not, is was in the "Y".

Council Member Broady stated the "Y" belongs to the city.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 8.

Joe Goergen Addresses Sewer Back Up At 812 Alabama Ave./Tim Conlen

Mr. Goergen stated yes, that's the thing of it.

Council Member Broady stated Joe I understand what you're saying it's not on the main trunk line but it is on the latteral line and the city ownes to the end of that line.

President Eddings stated he's asking just for his \$250.00 deductible back?

Mr. Goergen stated yes.

Motion made by Council Member Voyles to pay the \$250.00 deductible to Tim Conlen for the sewer back up in his basement and seconded by Council Member Broady.

Vote 5-0

Joe Goergen Addresses Providing Water Service To Charles Alexander

Mr. Goergen stated I have one other a Charles Alexander, no relation, it's on water service, they are in the county down around Allison Lane not in the City of Jeffersonville but they are in the proximity that's actually easier to serve by Watson Water but Watson has a problem with serving them so they asked if we would provide service. We already have service to Indian Hills Subdivision which is located here so the problem would be extending the line and providing water service. We basically wanted to have some acceptance of Sellersburg water should you choose to do that before he goes to the bank he needs to know if he has water.

President Eddings stated do we have plenty of capacity for that.

Mr. Goergen stated yes.

Council Member Broady Presents Claims/Jacobi, Toombs & Lanz, Inc.

Council Member Broady stated I have these claims from Jacobi, Toombs and Lanz. The first one is in the amount of \$270.00 for Job #9222-D1 and one for \$450.00 for Job #8915-A.

Motion made by Council Member Broady to approve the claims as presented and seconded by Council Member Voyles.

Vote 5-0

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 9.

Council Member Broady Presents Final Payment To River Valley Contractors, Inc.

Council Member Broady stated I have the final draw for River Vally Contractors. John went through it, all of the work has been done, all of the asphalt is in place. The job looks good. He's very well pleased with it. There was one spot with one of their subcontractors but that was taken care of today. As far as he's concerned the claim should be paid.

Council Member Alexander stated they were such small jobs that I mean as long as John went through it, it's okay.

Council Member Broady stated that amount is for \$11,860.00.

President Eddings stated we don't have to vote on that since it's the last draw. It has already been approved.

Council Member Fenner Addresses Hiring Pool Employees For The Summer

Council Member Fenner stated the only thing concerning the town pool. We are starting to look for lifeguards for the summer and we will have several positions open and we would encourage young people that would be interested in working for the summer as a lifeguard to please contact us.

President Eddings stated contact the Town Hall, Dwight or Linda?

Council Member Fenner stated either the Town Hall or Bill Paschal or myself, is that okay Linda? Will you direct them to us?

Ms. Schafer stated yes I will.

Council Member Alexander Addresses Rate Study From Umbaugh & Associates

Council Member Alexander stated you just received the agreement from Umbaugh & Associates the bids on the water and sewer. I'm assuming because of the amounts you're going to want to consider them. Looking at the water, I think the water is a heck of a deal because either way we go we need a rate study. I think it's fair. The last time we looked at one it was closer to \$10,000.00, plus it gives us all the information we were wanting as far as putting the variables in and continuing it out until the plant is paid off. There's an article in here where he will actually talk to us as he puts the variables in, plus all of the information he does here whether we are successful in opting out of the URC, the information is going to be available to be used for the next decade on the sewer. I'll let you digest that one, the sewer, in talking with them the cost you see between the age 11,000 takes care of the local bonds plus doing a rate study. You know the biggest thing with doing a rate study when we did them was that we gave them just basically operation and plugging in numbers and the only numbers we really plugged into them was how much our debt is and what the cost was to pay it off and we plugged in the numbers as far as operating but we really never set down and said no this is what our bank account looks like at the end of the year as far as capital improvements and so forth, even though it's more money than I had anticipated on spending I feel like the information could be valuable as long as the correct variables are put in. I was determined after the rate study that a local bond would be closer for us.

Council Member Alexander Addresses Rate Study From Umbaugh & Associates

Council Member Fenner stated and this price includes them doing everything for us?

Council Member Alexander stated the only additional cost you would have on that would be the bond council and Attorney McCall.

President Eddings stated and you brought these for our review?

Council Member Alexander stated yes, the only thing I would say that we definitely need to consider the sewer.

Attorney McCall Presents Ordinance 97-664/Amending Sewer Tap Fees

Attorney McCall stated this is an ordinance to be considered on the first reading to amend a sewer tap and this was discussed in some detail at the last council meeting in regard to inspection fees as follows and you would need to schedule a public hearing.

ORDINANCE NO. ~~97~~⁹⁷-664

AN ORDINANCE AMENDING SEWER TAP FEES

WHEREAS, the Town of Sellersburg has heretofore established a schedule of sewer tap fees; and

WHEREAS, the Town of Sellersburg maintains a capital improvement account in its sewer fund to provide for major repair and replacement of the wastewater treatment facility and collection system; and

WHEREAS, sewer tap fees are the primary source of the capital improvement funds; and

WHEREAS, it appears that the existing tap fees are inadequate to provide the necessary capital for future repair and replacement of the wastewater treatment facility and collection system; and

WHEREAS, the Town Council for the Town of Sellersburg believes that it is in the best interest of the citizens to fairly spread the cost of capital repairs and replacement of the wastewater treatment facility and collection system among those whose use taxes the wastewater treatment facility and collection system capacity; and

NOW THEREFORE, BE IT HEREBY ORDAINED that the existing provisions of Sewer Tap Fees of the Sellersburg Municipal Code are hereby repealed and replaced by the following provisions:

SEWER TAP FEES

(A) Except as outlined in subsection 1) below, a tap charge of one thousand dollars (\$1,000.00) shall be levied against each residential (single family) lot, parcel of real estate, or building within the Town's corporate boundaries that hereafter connects with the Town's sewer system. A tap charge of one thousand five-hundred dollars (\$1,500.00) shall be levied against each residential (single family) lot, parcel of real estate, or building outside the Town's corporate boundaries that hereafter connects with the Town's sewer system.

Attorney McCall Presents Ordinance 97-664/Amending Sewer Tap Fees

1) A lot which was previously connected to the sewer system shall not be required to pay a tap charge to reconnect if the reconnection is completed within six (6) months of disconnection. After six (6) months, a tap charge of five hundred twenty-five dollars (\$525.00) shall be levied for reconnection.

(B) The owner of any residential lot, parcel of real estate, or building, other than those parcels within the boundaries of a subdivision which: 1) Has been approved by either the Sellersburg Building Commissioner and Plan Commission, and 2) Meets all the Town's or County's qualifications for a subdivision, may make written application to the Town Council for the privilege of paying the total tap fee in ten equal annual payments plus interest. In the event that such deferred payment plan is accepted by the Town Council, the first annual payment shall accompany the application along with the appropriate inspection fee. The remaining principle shall accrue interest, at the statutory judgment rate, on the outstanding balance until payment in full of all ten annual installments. Subdivision tap-ins shall not be eligible for this deferred payment plan.

(C) Tap fees for duplex multi-family units within the Town's corporate boundaries shall be one thousand five-hundred dollars (\$1,500.00). Tap fees for duplex multi-family units outside the Town's corporate boundaries shall be two thousand two hundred fifty dollars (\$2,250.00). Multi-family units larger than a duplex shall incur an additional tap fee of one hundred dollars (\$100.00) per unit up to ten (10) units. After ten (10) units, each additional unit shall be fifty dollars (\$50.00).

(D) Tap fees for commercial use within the Town's corporate boundaries shall be one thousand two-hundred dollars (\$1,200.00) for each unit of three hundred (300) gallons of daily flow. Tap fees for commercial use outside the Town's corporate boundaries shall be one thousand eight-hundred dollars (\$1,800.00) for each unit of three hundred (300) gallons of daily flow. One year after the initial commercial sewer connection, the Town Sewer Department shall calculate the actual average daily flow from the commercial user and shall adjust the tap fee accordingly. Any additional tap fee, or any refund, shall be due and payable within thirty (30) days after said calculation is completed.

(E) The Town Council shall determine the tap fees for industrial uses on a case by case basis after considering the location of the facility, the quantity of flow and its quality. The Board shall make written findings outlining the factors considered in each industrial tap fee decision.

(F) Tap fees may not be paid more than six (6) months in advance of connection to the sewer system.

(G) Inspection fees shall be paid in addition to tap fees.

This Ordinance shall be in full force and effect from and after its passage and approval.

Motion made by Council Member Alexander to consider Ordinance 97-664 on the first reading and seconded by Council Member Broady.

Vote 5-0

Attorney McCall stated you need to set a date for the public hearing.

President Eddings stated the first meeting in March will be the public hearing.

Ms. Schafer stated we will send out a separate notice.

Attorney McCall Presents Ordinance 97-665/Opt Out Of Indiana Regulatory Commission

Attorney McCall stated this is an ordinance for the Sellersburg Town Council to opt out of the jurisdiction of the Indiana Regulatory Commission to be considered tonight and notice has to be given to the rate payers at least thirty days before a final vote. It's my understanding that the town council desires to have a public meeting on this ordinance prior to the final vote so this will be presented tonight to consider on the first reading as follows:

ORDINANCE NO. 97-665

AN ORDINANCE OF THE SELLERSBURG TOWN COUNCIL TO OPT-OUT AND REMOVE ITS WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION PURSUANT TO INDIANA CODE 8-1.5-3-9.1.

WHEREAS, the Town of Sellersburg is the owner and operator of a water utility; and

WHEREAS, the Town of Sellersburg's water utility is currently under the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, Indiana Code 8-1.5-3-9.1 authorizes and provides that a utility owned by a town may be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the Utility from Commission jurisdiction; and

WHEREAS, the Sellersburg Town Council pursuant to Indiana Code 8-1.5-3-9.1 desires to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council has determined it is in the best interest of the Town of Sellersburg to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the herein ordinance is necessary for the effective and efficient administration of Town Government; and

WHEREAS, the herein ordinance was considered at an open meeting to which public were invited to attend and participate; and

BE IT THEREFORE ORDAINED by the Sellersburg Town Council as follows:

1. Pursuant to the provisions of Indiana Code 8-1.5-3-9.1 that the Town of Sellersburg Water Utility shall be and hereby is withdrawn and removed from the jurisdiction of the Indiana Utility Regulatory Commission;
2. That the herein ordinance shall become effective sixty (60) days after adoption by the Sellersburg Town Council;
3. That the Sellersburg Town Council shall mail written notice of its withdrawal from the jurisdiction of the Indiana Utility Regulatory Commission to the Indiana Utility Regulatory Commission within thirty (30) days after the herein ordinance becomes effective.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 13.

Attorney McCall Presents Ordinance 97-665/Opt Out Of Indiana Regulatory Commission

Motion made by Council Member Broady to consider Ordinance 97-665 on the first reading and seconded by Council Member Alexander.

Vote 5-0

Council Member Alexander Addresses Moving Forward With Water Rate Study

Council Member Alexander stated on the water looking at the time schedule of March 10th, I mean I'm sure it's going to take them 2 to 3 weeks and we are basing alot of the public hearing on the information that we gathered.

Motion made by Council Member Alexander to approve the agreement on the water study and to proceed with it and seconded by Council Member Fenner.

Council Member Alexander stated I know you all haven't had a whole lot of time to read it and basically looking it over it has everything we need and they do have to contaact us. We are planning it out to the last payment of the water plant and basically it's everything that we presented at the executive session and you know have the capital improvement program in front of you that stretches out to the year needed and all of the pieces are coming together for the meeting and I really need to have this.

Council Member Fenner stated if we pass this tonight will they have time to do it before we have this public hearing.

Council Member Alexander stated it at least gives them 30 days and if we wait until the next meeting they'll have what, two and a half weeks. I'm very comfortable with it and I don't look at it as a waste of money. It makes us intelligent.

Council Member Fenner stated I mean I had some questions about the one on the waste water but this one looks pretty good to me. I wouldn't have a problem with going ahead and doing it tonight but I would definately hold off on the other one.

Vote 5-0

Clerk Treasurer Schafer Addresses Memorial Day's Town Board Meeting

Ms. Schafer stated I published the meetings for 1997 and there is a meeting scheduled on a holiday, did the council want to reschedule it or do you want to not have the meeting.

Council Member Fenner stated May 26th, Memorial Day.

Ms. Schafer stated yes it's Memorial Day. I was thinking some of the council members may be out of town.

Council Member Alexander stated we could cancel it and if something comes up we could schedule another meeting.

President Eddings stated just cancel it for now.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 14.

Clerk Treasurer Schafer Addresses Appointment To River Hills

Ms. Schafer stated I received a call from River Hills saying they wanted to know where our appointment to the Regional Planning Commission was. It can be one of the council members that is appointed to that position or a resident of the town.

Council Member Alexander stated it's the one that I was on for two years.

President Eddings stated does anyone want to do this on the board.

Council Member Alexander stated I've been on it for two years and it's not that bad.

President Eddings stated we'll hold that and see if we can't find someone.

Ms. Schafer stated the last appointment expired 12-31-96.

President Eddings stated I'll go out and recruit somebody.

Clerk Treasurer Schafer Presents Claim From Lonnie Thomas Cooper Esq.

Ms. Schafer stated I would like to resubmit this claim, this document to the council, this claim from Lonnie Cooper, Esq., Attorney at Law, for the legal research that I had him do, for approval of the council.

President Eddings stated okay we've got an invoice on the floor for legal fees for Linda's attorney in the amount of \$4590.00. I'll entertain a motion to pay the legal fees.

Motion made by Council Member Broady to pay the claim as presented and seconded by Council Member Voyles.

Council Member Broady stated so this has been ordered by the court to pay this bill?

Attorney McCall stated the court granted a mandatory injunction that says the town council or requiring the town council to abide by the provisions of the code which allows the clerk treasurer to hire the council of her choice and based upon the statute and the judge found that the clerk treasurer should be able to hire council, he went on and stated that if it was personally motivated it would be a different matter.

Council Member Fenner stated Perry were you there at that hearing.

Attorney McCall stated yes.

Council Member Fenner stated you had an opportunity to speak?

Attorney McCall stated yes, it was arguements of counsel why it should or should not be done and the judge found it should be. The ruling is that you do this, no one has been required to post bond. If you ignore this you would be in contempt of court. That's the ruling. This is the first step regarding the towns contract with EMC for billing purposes. This was for the ability of the clerk treasurer to hire Mr. Cooper as counsel.

Clerk Treasurer Schafer Presents Claim From Lonnie Thomas Cooper, Esq.

Council Member Fenner stated my question relates to the upper right hand corner, it's listed as encumbered \$4,550.00. What does it take to encumber funds from a previous years budget.

Council Member Alexander stated if it was something that happened in that year, you may encumber it over into the next year under the assumption that it will be paid out of the previous years funds.

Ms. Schafer stated that bill was incurred prior to December 31st.

Council Member Fenner stated it doesn't require town board approval to encumber funds from one year to the other.

Attorney McCall stated well there's always been motions to encumber, the clerk treasurer can probably answer that question better than I can.

Ms. Schafer stated you have to have the funds in that appropriation to encumber the bill whether it was technically approved or not approved. There are several bills encumbered that are not approved.

Chief Kinder stated like the police cars.

Council Member Fenner stated but didn't we have a special meeting to encumber those for you before the end of the year.

Chief Kinder stated that was a transfer of appropriations.

Council Member Fenner stated yes but they were approved by the town council.

Attorney McCall stated let me get the question, the questions is because there was not a vote taken to encumber the funds the first part of this legal fee which occurred in 1996, can the town council vote now to pay the full amount since it was 1996 in 1997, is that right?

Council Member Fenner stated no, I guess my question is can it be encumbered from last year without town board approval.

Attorney McCall stated you'd have to go back to the accounting person.

Ms. Schafer stated it was a bill that was incurred in 96 that should of been paid.

Attorney McCall stated she's going to take the check and make it out. You can contact the State Board of Accounts and say hey is this fine, that's what we usually do.

Council Member Alexander stated most of the time when you see encumbered is most of the time we are transferring allocations and then transfer the appropriations. I think it's always been associated with the encumbered. Last year I transferred a paving project to the next year.

Sellersburg Town Council
Regular Meeting
February 10, 1997
Page 16.

Clerk Treasurer Schafer Presents Claim From Lonnie Thomas Cooper, Esq.,

Ms. Schafer stated I can go back through the records and there are several paid without being approved.

Attorney McCall stated I mean if a problem comes up the only one to say anything is the State Board of Accounts when they do their audit. If it's wrong they will bring it to your attention.

Council Member Alexander stated I've brought up a couple that were never voted on.

Ms. Dean stated on gas, water and sewer, electric, if they are dated before December 31st they are encumbered.

Attorney McCall stated it's more of an accounting tool as opposed to the State Board knows what's happening.

Ms. Schafer stated you're more than welcome to check with them. I have no problem with that at all.

Attorney McCall stated no I don't think to me, it's accounting purposes. If you feel comfortable with it that's the way to go.

Council Member Fenner stated I just want to say one more thing and that is I, you know, I understand that we've been ordered to pay this but at the same time sometimes I think the law is wrong and judges can be wrong and I you know, I mean no disrespect to Linda, nothing personal on my part at all but I can not vote to pay it as a matter of principle.

Vote 4-1, with Council Member Fenner voting against.

Clerk Treasurer Schafer Addresses Council Regarding Lucent Technologies

Ms. Schafer stated I was contacted by Lucent which is sort of a replacement for AT&T. AT&T is going to take the long distance service and Lucent is going to be more or less the local service. They were offering a service plan. I really wouldn't be interested but I wanted to pass it by the council. What they are offering is mainly a service and if you have any type of service with your phone systems you would be able to call one number no matter what the problem was for \$10.60 per building which we have three different facilities they would accomodate. I didn't want to absolutely tell her no unless I ran it by the council to see if they were interested in it.

Council Member Fenner stated how many buildings do we have?

Ms. Schafer stated three, the police department, sewer facility and town hall. It would be \$32.00 a month for the service. I don't feel it's necessary. It's up to you guys.

Clerk Treasurer Schafer Presents Claims/Civil, Water & Sewer Departments.

Clerk Treasurer Schafer presented the claims from the civil, water and sewer departments for the last two week period.

Motion made by Council Member Broady to approve the claims as presented and seconded by Council Member Alexander.

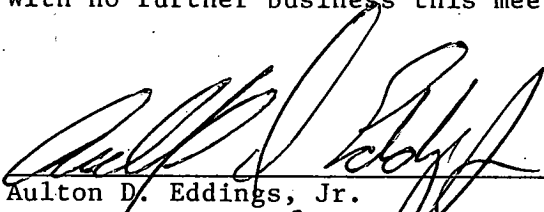
Vote 5-0

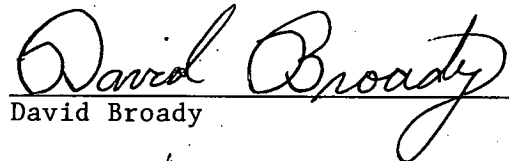
Adjournment

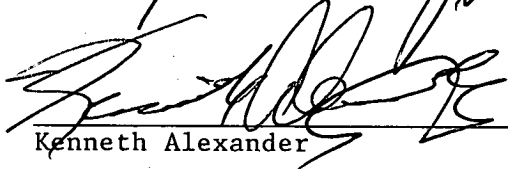
Council Member Fenner made the motion to adjourn the meeting and seconded by Council Member Alexander.

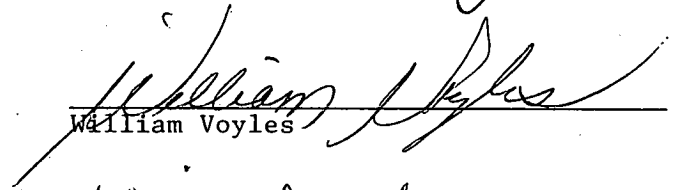
Vote 5-0

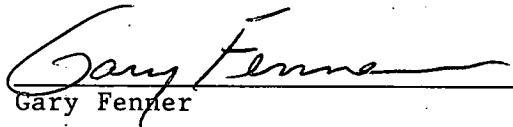
With no further business this meeting was adjourned by President Eddings at 7:45 p.m.

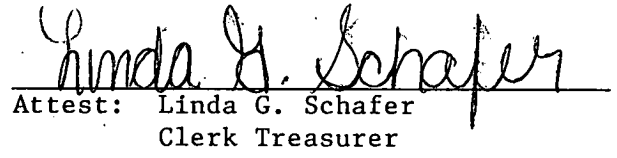

Aulton D. Eddings, Jr.


David Broady


Kenneth Alexander


William Voyles


Gary Fenner


Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

February 24, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings, Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member, William Voyles, Council Member, Gary Fenner, Council Member, Linda G. Schaefer, Clerk Treasurer and Perry McCall, Town Attorney arriving at 7:05 p.m.

Called To Order

President Eddings called the regular meeting to order at 6:30 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Eddings dispensed with the reading of the minutes from the last meeting and requested as motion to approve the minutes as presented.

Motion made by Council Member Alexander to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Danny Lotich Addresses Council/1997 Employee Benefit Package

Mr. Lotich stated what you have in front of you is the 1997 Benefit Package for the Town of Sellersburg employees. You can skip right over the table of contents. We've had AHDS in here, this is going on the 5th year and last year we had an 8% reduction and this year they offered a 10% reduction on the premium. It's not very often that you get a reduction in back to back years for health insurance purposes. I kind of recommend that we stay where we are at since it's going down instead of up and everybody likes the benefits and been use to them for 5 years and the plan has been solid.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 2.

Danny Lotich Addresses Council/1997 Employee Benefit Package

Mr. Lotich stated we had a couple of large claims and they went real smooth. We haven't had any problems with them. I think the last one was Mark Warren and Mark had to pay \$10.00 out of his pocket. I don't think he had a problem with that. The next is the short term/long term disability. There was no rate increase for 1997, the rates stayed the same. Next is the dental plan from Fortis, it had a 6% rate increase that was down from the 10% they had last year and 8% the prior year so maybe the dental insurance is starting to level out a little bit. That's been an excellent plan for the employees that have made use of it. I'm hoping that most of them are making use of it. Last item is the pension plan. There were no changes in that in 1997 it remained the same and they have a premium conversion plan which allows the employees to get a tax credit for their health insurance premium that they pay and the town also gets a tax credit as you can see the annual cost for the town is \$470.00 which was the tax savings for 1996 was \$786.94 so you actually made money by offering that to the employees. The last item is the optional payroll deduction life insurance which is something we offer the employees to do on their own we allow them to purchase additional benefits. I did get several quotes from different health insurance companies this year just to find out where we were heading because I really didn't know what I was going to be getting from AHDS. I got a quote from Humana and there was some interest expressed in the MSA's they have come out with now. The medical savings accounts. With the MSA's now being tax deductible, it's like an IRA almost. You put your money in there and if you don't use it for your health benefits, then at the end of the year you can leave it in and it grows tax deferred and keeps growing for you. It's a way for the employees to save some extra money however by the government coming in it's made an additional cost for the insurance companies so they boost the cost of the insurance so they've really bumped themselves out of the market almost. That's the rate I got, it was about 15% than where we were already with a \$750.00 deductible verses a zero deductible so it really didn't make sense. On the Humana plan the benefits came back basically the same with the exception. They did have a \$200.00 hospital deductible and 80/20 on \$5,000.00 outside of your prescription would of been \$10.00 and doctors visit \$10.00 co-pay, premiums were about \$30.00 a month less for the employees however if any of them had a claim it would of been quite a bit of expense out of pocket. There again, I think for the \$30.00 they would probably rather stay where they are at and maintain their benefits. If anyone has any questions about the benefits for 1997 I'll be glad to answer them.

Council Member Broady stated on the pension, is it an option?

Mr. Lotich stated actually what you have the personnel that works here in the building have their pension plan with American United Life and it also use to be with the water department and with the sewer department but Perf then is the fire department and your employees that work on the city streets and your police.

Council Member Broady stated I was under the impression everybody was on Perf. That's not the case?

Mr. Lotich stated no, that's not the case. The Americal United Life plan was put into here before Perf was actually put in so it had precedence actually an employee can go either way they want to go. They can stay with the AUL plan and the police department and others go on Perf. The Deferred Comp. itself is an optional benefit to put extra money away for the future. It cost the town nothing, it is a nice benefit to have.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 3.

Danny Lotich Addresses Council/1997 Employee Benefit Package

Council Member Broady stated when do we renew, in April?

Mr. Lotich stated yes, April 1st is the renewal date. I normally present this at the end of February because March 1st we've got to be able to establish a payroll deduction for the employees.

Council Member Alexander stated I don't have a problem with it. I talked to the street department last week on it and they are happy with what we've got and if the cost is going down.

Motion made by Council Member Alexander to continue with the present benefit package as is and seconded by Council Member Voyles.

Ms. Schafer stated there will be renewal forms that I will have to sign, do you need to approve that?

President Eddings stated no, we voted on it.

Ms. Schafer stated they still have to be signed.

President Eddings stated you can sign them.

Vote 5-0

Joe Goergen-EMC Addresses Council/Revenue Report, Monthly Report, Electrical Cap.

Mr. Goergen stated I have three items, the first is the revenue report, February 10th to the 21st. The January monthly report and the last item is the cap adjustment. The electrical cap which basically is in the contract to be adjusted whenever there is a rate increase. PSI had a rate increase October 2nd and the increase went up depending on the lift station but the average was 10.7% on the 14 sites that we have on PSI for a total amount of \$4,734.36 and then at this time also we'd like to adjust the cap on the Covered Bridge lift stations which weren't included in the original cap. They average \$192.79 a month for \$2313.45 annually and in adjusting the cap and pro-rating it the increase took place in October which changed the cap to \$118,052.68 and also I've requested for the seven months in 96 that we paid for Covered Bridge outside of the cap, that total was \$1,349.51 for the calendar year of 96 it was \$39,000.00

Council Member Alexander stated it was money that EMC paid and Sellersburg didn't have to pay.

Mr. Goergen stated right, on the second two pages you can see the cap adjustments, which stations had the increases and how much at each location, how much per month it actually is and what the old amount was and what the new amount is. The proration is down at the bottom, basically a total cap adjustment of \$7,047.84. The last page is the actual calculation.

Joe Goergen Addresses Council/Revenue Report, Monthly Report, Electrical Cap.

Council Member Alexander stated this doesn't need a motion because it's in the contract, does it?

President Eddings stated we probably should vote on it.

Council Member Fenner stated the Covered Bridge lift station, they are not included in the contract at all, is that true?

Mr. Goergen stated they weren't included because in the beginning we weren't paying the bill. It was paid by Covered Bridge.

Council Member Fenner stated and it's not addresses in the contract at all?

Mr. Goergen stated no, it has been discussed before.

Motion made by Council Member Alexander to adjust the cap on the electric \$7,047.84 and the new adjustment total of \$118,052.68 and seconded by Council Member Voyles.

Vote 5-0

Motion made by Council Member Voyles to make an adjustment of \$1,349.51 for the Covered Bridge lift station paid for by EMC in 1996 and seconded by Council Member Broady.

Vote 5-0

Bob Stewart, Building Commissioner Addresses Council

Mr. Stewart stated we had a very quiet month in January other than a builder bought a piece of property, added a few rooms and some electrical permits.

Ms. Schafer stated I have his claim.

President Eddings stated he didn't say he had a bill.

Mr. Stewart stated I always have a bill when I come here, that's why I come.

Motion made by Council Member Broady to approve the claim in the amount of \$374.60 to the Building Commissioner and seconded by Council Member Voyles.

Vote 5-0

Mr. Stewart stated thank you for your generosity.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 5.

Council Member Voyles Addresses Council/Trash Pick Up For Apartments Of Mr. Donal Long

Council Member Voyles stated I've got one thing seeing Mr. Long here and Mr. Alexander here, talking about the garbage cans, the garbage cans for Mr. Long, have they said yea, nay or what?

Council Member Alexander stated he needs to contact someone in the street department first so they can go over and look at exactly what they are going to do because it would go against the town's ordinance if he would like to see it changed or something.

Council Member Voyles stated well, town ordinance, you mean we do have an ordinance on collecting.

Council Member Alexander stated yes and it's very specified as far as how it's picked up.

Council Member Voyles stated so who does he have to see?

Council Member Alexander stated it would be Travis Walters until Mark Warren is capable of coming back basically we'd need what would have to be done and bring it before the council and if they want to change the ordinance. The ordinance is very specific.

Mr. Long stated the way it is right now I'm paying about \$8.00 an apartment and the houses pay \$3.00, it's not fair.

Council Member Fenner Addresses Indiana Utility Regulatory Commission

Council Member Fenner stated I've been doing some investigating or studying to our possibility of pulling out of the Indiana Regulatory Commission and so I called Indianapolis and I have some information for you all to go over and thus far what I'm finding is we're certainly not alone in considering withdrawing, almost half of the utilities in Indiana have already withdrawn from the Regulatory Commission so and this is some documentation of that and some of this you've already seen before and some of it is new and I wanted you to see that and also I'd asked Linda if she could find out for me some figures about the cost comparison of asking for a rate increase if we're in the Regulatory Commission as to compared if we are out of the Regulatory Commission and so Linda was very helpful in talking to Umbaugh & Associates and Umbaugh & Associates responded and they came up with, according to them the difference is if we are in the Regulatory Commission it would cost up between \$30,500.00 and \$48,000.00 for the rate increase if we are out of the Regulatory Commission we're talking maybe \$15,000.00 so between \$48,000.00 and \$15,000.00 is alot of money and there's alot of other things that go with it to but we'll get into that more later but I wanted you guys to have a copy of that.

Council Member Alexander stated just to add something to that the figure that he gave, being regulated and getting a water rate increase as far as percentage compared to Sellersburg it's 7% of our budget so anytime we could go in and try to get a rate increase 7% of our budget which would be in our capital improvement program for one job.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 6.

Council Member Fenner Addresses Applicants for Lifeguards At The Swimming Pool

Council Member Fenner stated we are still looking for Lifeguards for the summer.

President Eddings stated I've got a few names for you.

Council Member Fenner stated okay, that's all I have.

Council Member Alexander Addresses Water Rate Increase Information

Council Member Alexander stated to continue with the water, on the bottom of this piece of paper it gave you a way to call in for information and probably the biggest, we haven't had a whole lot of calls come in but one of the main concerns is if there's a rate increase, we haven't got that far but I mean it's common knowledge that's what the next step will be and the biggest question is, they think that the rate increase is their total bill. The one bill that gets sent out to the residents is actually it's made up of four entities, your sales tax, your civil government which is your \$3.00 garbage pick up. Then you've got your sewer department and your water department. What we're looking at right now and have been reviewing is just the water. Most people have been calling in saying my \$50.00 bill is going up 20% and that's not true it's the 14 and 15 dollar part of the water bill is actually what we are addressing.

Council Member Alexander Addresses Sewer Rate Study From Umbaugh & Associates

Council Member Alexander stated the accounting service agreement that everybody had a week to look at for the sewer department for Umbaugh to go through and review. I'd like to make the motion to approve it.

Motion made by Council Member Alexander to approve the Umbaugh & Associates accounting agreement on the sewer rate study to be \$8,000.00 and not to exceed \$11,000.00 which included the bond issue and seconded by Council Member Fenner.

Vote 4-1, with Council Member Voyles voting against.

President Eddings Addresses Public Hearing On Proposed Tire Derived Fuel

President Eddings stated has anyone seen or did the newspapers get the notice on the public hearing for Essroc. Is everyone here at the meeting aware of the public hearing for the proposed construction and operation permit for the tire derived fuel that takes place at the high school on March 4th at 7:00 p.m. for anyone that is interested in attending.

Council Member Fenner stated Doug I might say I am a part of what is called the Silver Creek Area Community Advisory Council that was formed and initiated by Essroc but it's an independent group and I represent our council. The past President, Mr. Broady recommended me for that and anyway so I've been meeting with them and we are aware of this but as far as that group having much input we're very much limited because of the time frame because we are just not being organized but there will be some people there representing that group and I am a part of that.

President Eddings Addresses Public Hearing On Proposed Tire Derived Fuel

Chief Kinder stated who called this meeting, I thought it was your group.

Council Member Fenner stated no, the Indiana Department of Environmental Management, it's their hearing and this is a continuation from 1994, another hearing continued from 1994.

President Eddings Addresses Drainage On No. New Albany Street/Barham Apartment Building

President Eddings stated last week we had a Mr. Jody Barham come to the council wanting to know if we would consider to put the pipe down, was it on North New Albany Street? Did anybody get a chance to look at that? I went and looked at it myself. I need some input on what you guys think. My own personal opinion, I think you can see the water now is draining back in it's natural path. Myself if he wants to do something different than he should absorb the cost on it. I don't see a reason for the town to come in and do it.

Council Member Alexander stated I don't either. I mean there was a ditch there before and basically we've got the water going down the existing ditch, I mean if he wants to make his entrance smaller, just put a short pipe and a ditch.

President Eddings stated it's still his.

Council Member Alexander stated it's still his.

President Eddings stated John do you know when we made that correction for the first apartment complex all of that gravel and stuff that's still there is it ours or his?

Mr. Goergen stated that's ours.

President Eddings stated is any of that on his property?

Council Member Alexander stated that's where the catch basin is going to be.

Mr. Toombs stated I asked them to leave it so we could see where the water would go. It will all be paved and cleaned up.

President Eddings stated the only other concern I have is will there be standing water there? Right now there's an impression there and there's standing water as it gets filled back in it will be smooth right?

Mr. Toombs stated there will be a catch basin there with a grate on it.

Council Member Alexander stated the other end is for the pipe.

President Eddings stated is the grate going to make that non-standing water his responsibility his or ours?

Council Member Alexander stated his because he filled the ditch in when he excavated the property.

President Eddings Addresses Drainage On No. New Albany Street/Barham Apartment Building

Council Member Broady stated you have to put a culvert in on our right of way.

Mr. Toombs stated you all can require him to do anything you want.

Council Member Alexander stated we did take it a step further. There's some other things we're doing with the building commissioner. When someone contacts the building commissioner and there's a ditch out front they are going to know to contact the street department and get access to the right of way. If there's already drainage there and it's an old access you know they don't need anything but if it isn't an approved access to the road they have to contact the street department so there's no confusion upon the initial contact with the town. That was where he said we failed but we did address that and it won't happen again.

President Eddings stated so if that's the consensus of the board I'm just going to call and tell him that the board feels they don't need to do anything else.

President Eddings Addresses Public Meetings For Opting Out Of The Ind. Utilities Reg. Comm.

President Eddings stated one of the things that I would like to stress to get printed in the paper is that the public meetings are for opting out of the Indiana Utilities Regulatory Commission and for the amendments to the sewer and water tap-in-fees.

Council Member Alexander stated just sewer.

President Eddings stated I mean sewer, the sewer tap-in-fees. That's what the public meeting is suppose to be about. Our notices say that a proposed increase in water rates well that's not what the meeting is about. There are several plans that we are looking at, at least two plans right now. One of the plans was to not have an increase in rates for a period of seven years, another plan does have an increase in rates.

Council Member Alexander stated since we are looking at two plans another questions that's called in, pulling out of the URC does not effect either one.

President Eddings stated as a matter of fact you have to be out of the IURC to get through either plan.

Council Member Alexander stated no, it doesn't matter on either plan if you're in or out it's just the process that you have to go through if you want an rate increase either one because either in or out of the URC, one on the EMC plan for the long term lease agreement after the seven years they had a 3% automatic increase and that can't be done, it would require every year.

President Eddings stated that's what I'm saying timing wise either one would require that you not be a part of the IURC.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 9.

Clerk Treasurer Schafer Addresses Appointment To River Hills Committee

Clerk Treasurer Schafer stated I received a call on Tuesday after the last meeting on the decision on who you would like to appoint to River Hills.

President Eddings stated anybody volunteer? I was going to try and find a civilian volunteer and neglected to do so.

Council Member Alexander stated how about we do this, go ahead and put my name on it but keep looking for the civilian because I can vote by proxy so the civilian can be the proxy.

Clerk Treasurer Schafer Addresses Claim From CSX

Ms. Schafer stated at the last meeting the bill came up for CSX, did you check into that?

Attorney McCall stated it's the same bill we've been paying. The one time fee was like \$6,000.00. I've had numerous correspondence from them.

Council Member Fenner stated and this is a rental for us to run utilities underneath their railroad tracks?

Ms. Schafer stated the bill now is for \$100.00, it jumped from \$12.00 to \$100.00.

Attorney McCall stated I went back and pulled the contract and I asked them if there was a provision in the contract that said they could increase at a point in time and we went back and forth but it had no provisions for the increase. The justification was that because this contract was so old I guess they thought it was well, not justified, would expect there to be expenses and increased for this type of thing. That's how they justified it. The one time payment was four or six thousand, it was really up there.

Council Member Fenner stated somewhere along the line the question was brought up, do the companies own the bed that we're running our lines through or do they just have a right of way.

Attorney McCall stated once they abandon them it goes back to the property owner that's the issue I've seen, until they abandon.

Council Member Fenner stated then you're suggesting we are obligated to pay it.

Attorney McCall stated if you don't pay it, that was my question to them. What if we don't pay it okay, you're going to pay the amount plus court cost. I think there's an argument to be made. This can go on from year to year.

Council Member Fenner stated but if they raise it \$500.00 next year.

Sellersburg Town Council
Regular Meeting
February 24, 1997
Page 10.

Clerk Treasurer Schafer Addresses Claim From CSX

Attorney McCall stated well again there's no provisions in the contract. I've got a copy of the contract. I've got a little file started. There's nothing they can point to and I left it up to them, you justify to us the increase and they never did. I dealt with a gentleman that was very, very rude.

President Broady stated so you have a copy of the original contract signed?

Attorney McCall stated yes, if you'd like I'll bring the file sometime and you can check it out yourselves.

President Eddings stated what did we pay last year?

Attorney McCall stated \$12.00 and this is for \$100.00 and there was an interium that was sent saying it would raise to \$100.00.

Ms. Schafer stated that's when I asked you at the last meeting to check.

Attorney McCall stated I checked.

Ms. Schafer stated we only paid \$12.00 last year.

Attorney McCall stated you got a notice at some point that they were going to raise it to \$100.00.

Council Member Alexander stated we can go ahead and approve the \$12.00 and send the payment and if they would like to go further with it then they can.

Council Member Broady stated can we just sent them \$12.00 along with a letter from our attorney saying we can't see any reason why we shouldn't pay the \$12.00.

Motion made by Council Member Broady to send the payment of \$12.00 along with a letter from our attorney and seconded by Council Member Fenner.

Vote 5-0

President Eddings stated are you going to draft a small letter to send with the check.

Attorney McCall stated I'll send them a long one.

Clerk Treasurer Schafer Presents Claim From The Civil, Water & Sewer Departments

Clerk Treasurer Schafer presented the claims from the civil, water & sewer departments for the last two week period.

Motion made by Council Member Fenner to approve the claims as presented and seconded by Council Member Alexander.

Vote 5-0

Attorney McCall Addresses Appeal On Remonstrance & Annexation

Attorney McCall stated we had oral arguments the other day. I don't want to guess how it went. We should hear in about thirty days, more or less, of the decision.

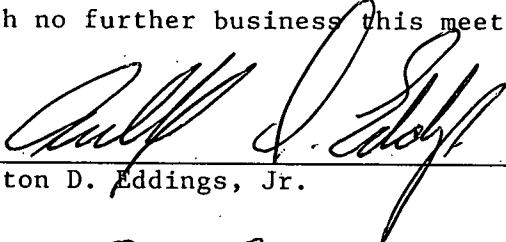
Council Member Alexander stated I'd just like to add that we were represented very well, a much better job than I could of done, I guess that's why you're the attorney.

Adjournment

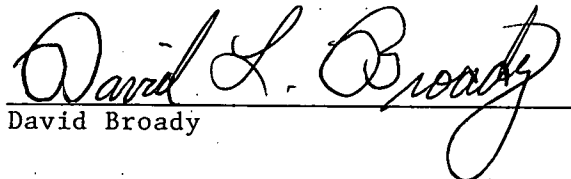
Council Member Broady made the motion to adjourn the meeting and seconded by Council Member Voyles.

Vote 5-0

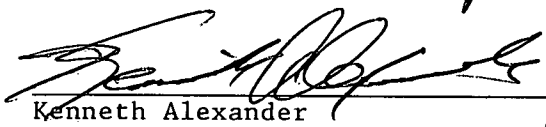
With no further business this meeting was adjourned by President Eddings at 7:09 p.m.



Aulton D. Eddings, Jr.



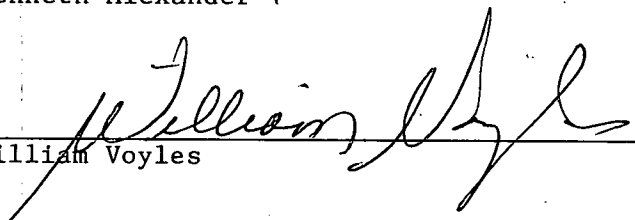
David Broady



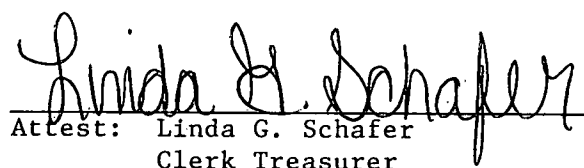
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

March 10, 1997

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: David Broady, Council Vice-President; Aulton D. Eddings Jr., Council President; William Voyles, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

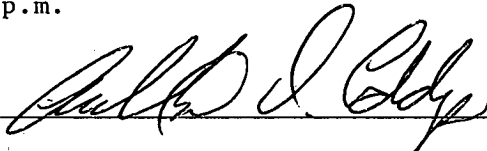
President Eddings called the Executive Session to order at 6:04 p.m.

Topics Of Discussion

Renewal of Chief of Police Contract
Sanitation Pick-up at the Long Apts.
Resolution to protest Annexation Bills
Adjustments to Chief Deputy Salary and other office personnel
Sewer Basin study

Adjournment


With no further business, President Eddings adjourned the Executive Session at 6:25 p.m.



AULTON D. EDDINGS JR.

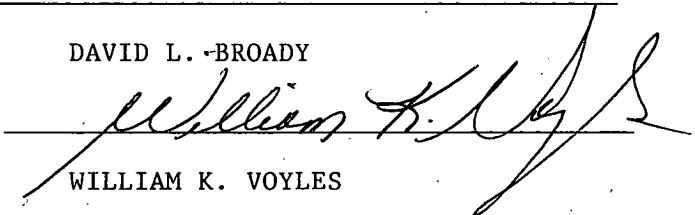


KENNETH ALEXANDER



GARY FENNER

DAVID L. BROADY



WILLIAM K. VOYLES

ATTEST:



LINDA G. SCHAFER
SELLERSBURG CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 10, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the regular meeting to order at 6:35 p.m.

Prayer

President Eddings dispensed with the prayer due to no minister being present.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Eddings dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes as presented.

Motion made by Kenneth Alexander to approve the minutes as presented and seconded by Council Member Voyles.

Vote 5-0

Request For Sewer Service From Bill Gibbons/Oak Street In Sellersburg

Council President Eddings stated, Ok, the petition we have before the town from Bill Gibbons, is he here tonight?

Bill Gibbons stated, correct.

Council President Eddings stated if Mr. Gibbons wanted to go ahead that way we get you out of the way before the hearing starts and if you want to leave you can or if you want to stay you can stay.

Bill Gibbons stated that we have two lots that's obvious that's quite old located on Oak Street neither of which are on city sewers and we're requesting that sewer lines be provided. One of the lot owners is Carl & Christin Gernsey and Elizabeth Dixon.

Mr. Gibbons stated that he had looked at plot maps and it's a fair distance to bring in sewer lines. It would be up to the current engineer to figure out how to do it and answer any questions for the council.

Sellersburg Town Council
Regular Meeting
March 10, 1997
Page 2.

President Eddings asked Mr. Gibbons if he had plans for the lot.

Mr. Gibbons stated that he had plot plans if you would like to take a look at them but probably an engineer is going to be your best source to see them.

President Eddings stated that he thought that is what they were going to do with them.

President Eddings asked if John Toombs was still in the meeting, and asked Mr. Toombs to see them and he could make a recommendation to the council members.

Mr. Gibbons asked the engineer John Toombs how he could provide the lines to everybody and run the lines too.

President Eddings asked if anyone had any questions and asked Joe Goergen if this was the property they had discussed before.

Mr. Goergen replied, "yes".

Council Member Alexander asked Mr. Gibbons if he was going to assume the liability for the cost to hook up to the existing sewer lines.

Mr. Gibbons stated that if the sewer line was provided to the property.

Council Member Alexander stated Ok sir, your asking the town to provide a sewer line to the property.

Mr. Gibbons replied, "Yes".

President Eddings stated, alright, thank you, and asked Mr. Toombs if he wanted to see Mr. Gibbons back there now.

Clerk Treasurer Presents Claim For Sellersburg Stone/Reference Virginia Ave. Swr. Backup

President Eddings requested the clerk treasurer to go ahead and get the claims approved and any additional claims of any kind.

Clerk Treasurer Schafer presented to the council members a claim from Sellersburg Stone in the amount of 167.32 for supplies to repair the town's sewer line at Virginia Ave.

President Eddings stated that he would entertain a motion to approve the claim for the Virginia Ave. Sewer backup in the amount of 167.32.

Motion was made by Dave Brody to approve the claim as presented and seconded by Bill Voyles.

Council Member Broady stated that it isn't a back up at somebodys house, the reason we did it was because we have been having problems with the sewer on Virginia Ave.

Sellersburg Town Council
Regular Meeting
March 10, 1997
Page 3.

Clerk Treasurer Schafer stated that Council Member Broady was correct, it was our sewer line problem.

Clerk Treasurer Schafer stated that the work was out of scope of EMC's contract so she normally presented them to be signed seperately.

Vote 5-0

Clerk Treasurer Presents Claim For Water Works Supply/Team Contracting Water-tap.

Clerk Treasurer stated that she would like to present a claim for Water Works Supply and it was also an out of scope for the Team Contracting Water Tap. It is for materials for the Team Contracting Water Tap and I did receive a check from them for the amount of 1500.00 so this is a portion of that, the other represents a water deposit tap and an inspection fee.

President Eddings stated that he would entertain a motion to approve the claims for Water Works Supply in the amount of 1003.46.

Motion was made by Council Member Bill Voyles and seconded by Council Member Broady.

Vote 5-0

Clerk Treasurer Presents To the Council The Financial Statement For February

Clerk Treasurer presented to the council members the financial statement for the month of February 1997 which contained the previous balances from the month before all receipts and disbursements for February and the ending balances for February.

Clerk Treasurer Schafer Presents Claims From The Civil, Water & Sewer Departments

Clerk Treasurer Schafer presented the claims from the civil, water & sewer departments for the last two week period.

Motion was made by Council Member Bill Voyles to approve the claims as presented and seconded by Council Member Alexander.

Vote 5-0

Clerk Treasurer Addresses Chief Deputy And Deputy Adjustments To Salary Ord.

Clerk Treasurer asked Council President Eddings if he was going to do anything on her request for the pay scale adjustments for her chief deputy and deputy clerk.

President Eddings stated we're going to do that the next executive session. We're going to look at the ordinances the salary ordinance and make an adjustment just run like your running it and we can make it retroactive.

President Eddings asked the clerk treasurer if that was all for now and she replied, yes.

Adjournment

President Eddings asked Attorney Perry McCall if he had anything to discuss in the regular meeting.

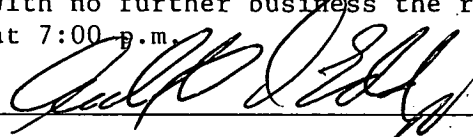
President Eddings asked Council Member Bill Voyles and David Broady and they all had nothing to discuss.

President Eddings entertained a motion to adjourn this regular meeting.

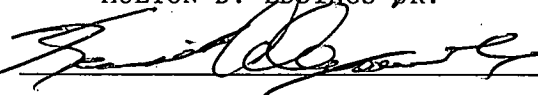
Motion was made by Council Member Bill Voyles to adjourn the meeting and seconded by Kenneth Alexander.

Vote 5-0

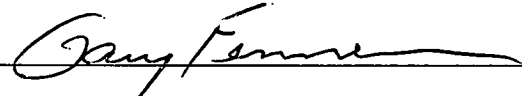
With no further business the regular meeting was adjourned by President Eddings at 7:00 p.m.



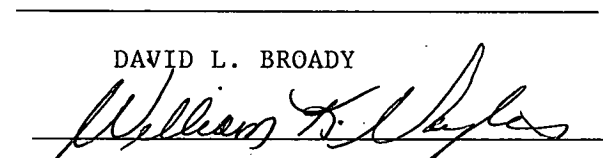
AULTON D. EDDINGS JR.



KENNETH ALEXANDER

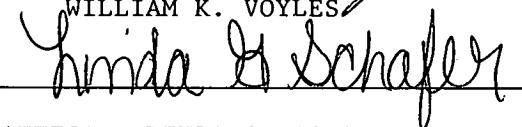


GARY FENNER



DAVID L. BROADY

WILLIAM K. VOYLES



ATTEST: LINDA G. SCHAFFER
SELLERSBURG CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 10, 1997

PUBLIC MEETING/INCREASE IN SEWER-TAP FEES

A public meeting of the Sellersburg Town Council was held at 6:30 p.m. to present, review and discuss a proposal to increase the sewer tap-in fees currently assessed by the Town of Sellersburg. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the public meeting to order at 7:00 p.m.

President Eddings Opening Statement

President Eddings stated that we will open a public meeting then to discuss the increase in sewer tap-in fee assessed by the Town of Sellersburg and the meeting is now open.

We have before us a proposed ordinance to increase sewer tap-in fees and the reason why we have elected to create this ordinance is we would like to get our sewer tap-in fees more in line with what Jeffersonville, Clarksville, and surrounding communities are. Anyone that is already on the sewer is not affected what so ever. The new sewer tap-in fee would be for anyone building new residential and homes, any new business coming into town or out of town that are connecting to our sewer utility. An example of the tap in rate increase would be at present time to tap into our cost \$450.00 with the new ordinance that fee if you lived in town would go to 1000.00. If you lived out of town it would go to \$1500.00. It looks like most of the questions that were turned in have to do with the IURC does anyone want to have a comment or want to talk about raising the sewer tap-in fees?

Resident Timothy Sells asked why it was necessary, you people don't do nothing.

Council Member Ken Alexander stated that he could answer that for Mr. Sells that basically let me answer that question real simple. Right now under the the present system the \$450.00 as you see it is a tap-in fee or connection fee is your purchasing capacity of our sewer plant. The sewer only has X amount of capacity coming in right now at the present owners on the sewer are paying for the tap-in when people connect if the capacity isn't there under the new system as they connect in we will have a revenue stream which will take care of the capacity increases as it goes.

Mr. Sells asked if this would lower the sewer rate.

Council Member Alexander stated that it would not but it would basically lower your requirement as far as what your obligation as a already sewer customer is.

Resident Bobby Adkins asked if the council was going to take revenue and set aside into a separate investment account and let it lay there so you can spend on the sewer system sometime in the future.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 2.

Council Member Alexander stated yes, if its properly done right that's what should be done.

Bobby Adkins stated that this was not what he asked, he asked if the council was going to. I know it proper but are you going to because if you take the money into the operating account and spend it you're not going to increase capacity.

Council Member Alexander stated that the sewer taps do not go into the operating account they go into the sewer tap fund.

Bobby Adkins asked, and what are you going to do with them?

Council Member Alexander stated that it would be used for capacity.

Bobby Adkins stated that capacity can only be created if you spend more money to increase it and you should not have done that since the new sewer plant has been built so are you keeping it, have you got the money set aside?

Council Member Alexander stated that capacity right now is if you have a four inch line running in front of a bunch of houses and you want to add 10 customers and that four inch line needs to be increased to 10 inches that's capacity and thats what that money would be utilized for. Right now at the present system unless we took operation money and spent it on taking from a 4 inch to a 10 inch line we would be taking your operating money and under this plan the raise would help incur that cost so we would'nt be taking it out of your operating.

Bobby Adkins stated that the council was going to have to forgive him because he was apparently not that smart but it seemed like to him that the capacity does'nt have anything to do with the line capacity has to do with how much at once you can except into the sewer system.

Council Member Alexander stated that he was also correct on that.

Bobby Adkins stated ok, now thats capacity.

Council Member Alexander stated no capacity is.

Bobby Adkins stated a line, I mean if a line is not big enough to handle the people down the street with what there going to put out you increase the line but thats not increasing the capacity.

Council Member Alexander stated oh yes, oh yes because the capacity of your line is an important factor as far as receiving an accurate plan so that you can get a proper.

Bobby Adkins stated so what your going to use that money is for is to create lines with.

Council Member Alexander stated that it should be right. It should be used for that for new development coming in right now on our present system the operating is paying for that.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 3.

President Eddings stated, and like you say you should have some money set aside for future plan expansion under \$450.00 tap-in fee now that's nearly impossible to do the tap-in fees and the fees haven't been raised since the new sewer plant has went in or created or was built. We haven't done a good job with keeping up with what the tap in rates should be. You know when we study our surrounding.

Bobby Adkins asked if that meant that covered bridge when they build new houses out there those tap in fees will go to \$1000.00?

President Eddings stated no, they will go to \$1500.00. New homes out there will go to \$1500.00. Now the ones that are already in went in on the \$450.00 and if you want to blame somebody we are the ones to blame for that. We should have been doing a better job of increasing these rates as we went along.

Resident Timothy Sells stated that he didn't think there is anything wrong with that sounds like a pretty good price for me \$450.00. Is this not just raising this \$450.00 to a thousand dollars just because Clarksville can get this, is that why you're doing this?

Council Member Alexander stated no, definitely not. Right now at the current system a good development came in under the current system we are running the risk of telling the new development no. I mean it's my personal opinion that I don't intend on telling people no, and a good example is our neighbors Clarksville, which are just across the road we told them no because we did not have a mechanism set up in the Town of Sellersburg to tell them yes, this is that mechanism.

Resident Pauline Pixley stated, all the hundred that has come in the last few years.

Council Member Alexander stated, 17.

Ms. Pixley stated 1700.

Council Member Alexander stated only 17 homes in a year and a half.

Council Member Fenner stated in Sellersburg on our system.

Council Member Alexander stated 17 homes no not in Sellersburg, 8 of them were in Sellersburg I mean 9 of them were in Sellersburg and the others were in Fuzzy Zoellers.

Bobby Adkins asked, only 17 did tap the sewer system?

Council Member Alexander stated a year and a half, Yes.

Bobby Adkins asked in a year and a half.

Council Member Alexander stated, yes, it puts us in the position where good development with a high quantity we can say yes to.

President Eddings stated, Mr. Branham.

Mr. Branham asked where do you expect to put all of this development just out of curiosity? Do you expect to get new subdivisions in the middle of Sellersburg?

TOWN OF SELLERSBURG
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 4.

Council Member Alexander stated yes, there is plenty of property for new subdivisions in Sellersburg.

Resident James Hamilton asked if the council members wanted to bring up the rate to equal Clarksville, Jeffersonville, New Albany and what are their rates?

Council Member Alexander stated that this one is current with Jeffersonville, and that Clarksvilles is \$1200.00 in or out of town.

Ms. Pixley stated, well Kenny going back again like this gentleman said the money your going to get in on this sewer where and what account will it go to.

Council Member Alexander stated that it would go to the sewer tap account.

Ms. Pixley stated no, no thats not what I'm saying.

Clerk Treasurer Schafer stated that there is a sewer tap account.

Ms. Pixley stated that it's so much over what you have been getting it looks to me like it should be put into a separate account a reserve.

Clerk Treasurer Schafer stated that it was in a separate account.

Ms. Pixley asked if it was building money now.

Clerk Treasurer stated that yes, it was.

Ms. Pixley asked who has got the money, the sewer man thats operating the sewer plant?

Clerk Treasurer Schafer stated, no mam, I take care of your money and I have every penny of that.

President Eddings stated that the Town of Sellersburg has that.

Clerk Treasurer stated that the Town of Sellersburg has the money.

Resident Steve Welch stated to go back to about you bringing up capacity. I heard him say that current statics they have 4 inch line they need to increase to a 10 inch line. Is that what you say causes the increase it cost more to do that?

President Eddings stated, no, if you have a situation where someone wants to develop or build a home or build apts and a four inch line exist it would limit there capacity on that 4 inch line so the Town of Sellersburg may have to go out and put a 10 inch line in order to get this development in and that increase in tap in fees helps to pay for the bigger line.

Mr. Welsh asked what if some of us already currently have a 4 inch line and they see that a 4 inch line isn't carrying the load and we need to go to a bigger line.

President Eddings stated that he was glad that Mr. Welsh had brought that up that, that was in the next meeting.

TOWN OF SELLERSBURG
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 5.

Mr. Welsh asked, will there be an extension of the fee, I mean is the more paid to increase the size of the line?

President Eddings stated that all of that would be what we call capitol improvement projects. To go and see where we have got sewer systems that are decrepted that need to be replaced or where we got sewer lines that are to small and need to be bigger. All of those are Capital Improvement Projects that need to be laid out in a long range plan and action taken.

Council Member Alexander stated as such do they charge and additional fee to increase? theydo not, a system repair like that comes out of operating, basically your tap-in are on new development.

Resident Ms. Beyl asked if you already have a sewer line and need to get a new sewer line there is no fee for that is there? If you are already on sewers?

President Eddings stated that you have already paid the tap-in fee.

Council Member Alexander stated that if your on the sewer line and we would come up and change the existing line to make it to a higher capacity no, you would not.

Ms. Beyl stated that she didnt mean a higher capacity she just needs a new sewer line, and ther is no tap in. What if it goes one way and you want it to go the other?

President Eddings stated it's still your sewer line that you have already paid a tap in on once and you would not pay a tap-in.

Ms. Pixley asked, what if you had this old orangeburg line and it collapsed and you put in terracotta and you go back to the sewer line do you have another tap-in fee to put the terracotta into the sewer line where the orangeburg came out.

President Eddings stated that if you've already paid a tap-in fee its your sewer line and you do not pay another tap-in fee.

Mr. Wynn stated that he was thinking of building a duplex, and who came up with the price by raising it from \$450.00 up to \$1000.00 and why was it that high?

Council Member Alexander stated that basically when they built the sewer plant the engineers and all that went through and the first recommendation that came out of Umbaugh & Associates out of Indianapolis was \$1200.00 was the existing rate that they proposed that we should be charging in order to take care of this. We look at various communities and mirroring Jeffersonville as far as their logic and design \$1000.00 seems to be resonable and if we need to watch as we go to see if its not.

Mr. Wynn asked if that would give him a better chance of getting a duplex up there.

Council Member Alexander stated that basically the way he looked at it is that it gives us more room to at least approach you as far as what are the existing needs and what needs to be done. Where on the reverse side we didn't, we were limited on our choices.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 6.

Mr. Wynn asked if you have a trunk line running from a four apt. complex is that just be one tap-in fee or are you going to charge 4 tap-in fees?

Council Member Alexander stated that there is a calculation in.....

Mr. Wynn stated that you only have one tap-in and you won't have 4 tap-ins only one.

Council Member Alexander stated that there is a calculation that goes on that specifically takes care of that. I do believe it on based on capacity or the number of units.

Bobby Adkins stated that he could tell you this much when I built my duplex you charged me for two. So charge everybody else two.

Council Member Alexander stated right, Bobby, thats how.

Bobby Adkins stated because there are those in town who didn't get charged two at the same time, you know the good ole boy.

Mr. Wynn stated that he was not a good ole boy.

President Eddings stated yes, sir.

Merle Allen stated that he would like to direct a question to Council Member Alexander by asking what the percentage of what capacity the current treatment plant of Sellersburg has.

Council Member Alexander stated depending on when its raining during rain our capacity is, we have problems just like anyone else.

President Eddings stated that Joe in the back could answer that question.

Council Member Alexander stated that yes, Joe would know.

Merle Allen stated that he would say, lets say under normal conditions.

President Eddings asked that under normal conditions whats the capacity of the plant?

Joe Goergen stated that during normal conditions we're at 1/2 capacity.

President Eddings stated 50% of capacity.

A resident asked, another words you could double the Town of Sellersburg and still have service.

President Eddings stated that if all the sewer lines remain the same size and the exact number of entries were the same, yes, your probably right.

Council Member Alexander stated that you see, that brings up a good point and that point in time ok, without raising the sewer taps. Where are you at as far as its time to grow again and put another clarifier and ditch and so forth put in, where does that money come from? It could put you into a stagnant era of the 80's where

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/SEWER TAP FEE INCREASE
MARCH 10, 1997
PAGE 7.

we would have a ban and say hey look we're sorry thats the way it goes. We don't have any money. You know this is at least some kind of effort to do some sort of proper management as far as the future.

Timothy Sells stated then what your opinion is that everybody in Sellersburg of the same size double, everybody in Sellersburg would pay the \$1000.00 tap-in fee you could probably build a new sewer plant.

Council Member Alexander stated that no, it would not come close.

President Eddings stated that sewer plants are expensive.

Bobby Adkins asked, you tell me 17 tap-ins the last two year? You are not talking about alot of money anyway.

Council Member Alexander stated right, but Sellersburg is in the position now to where all of our records say we're going to grow. I mean the old days of saying no are over. Its time to put the proper plan together and say yes for awhile. I mean I love Sellersburg and I want it to grow and its going to grow ok but you gotta have the proper loan in order to do it. It dosen't do it by itself. I can't walk up to a developer and say no you can't come into Sellersburg like we did in the 80's. We gotta say yes.

President Eddings stated ok are there any further discussion on tap-in fees. We don't vote on doing anything in this meeting.

Attorney McCall stated that this was just a public hearing.

President Eddings stated that it was just a public hearing and at this time he would like to close the public hearing on the ordinance to amend the sewer tap-in fees the meeting is closed.

Adjournment

President Eddings stated that he needed a motion, excuse me.

Motion was made by Bill Voyles to close the meeting on tap-in fees, and seconded by Dave Broady.

Vote 5-0

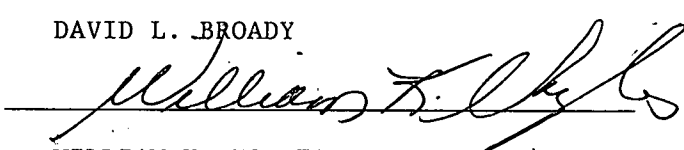
With no further business President Eddings adjourned the meeting at 7:00 p.m.



AULTON D. EDDINGS, JR.


KENNETH ALEXANDER


GARY FENNER

DAVID L. BROADY


WILLIAM K. VOYLES


ATTEST: LINDA G. SCHAFER/CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 10, 1997

PUBLIC MEETING/REMOVING THE WATER UTILITY FROM THE IURC

A public meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. to review and discuss the Town of Sellersburg Town Council's proposal to withdraw its water utility from the jurisdiction of the Indiana Utility Regulatory Commission and the proposed increase of water rates and charges to all customers served by the Town of Sellersburg Water Utility. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Eddings called the public meeting to order at 7:00 p.m.

President Eddings stated ok, we will now open the meeting for a proposed ordinance to drop out of the Indiana Utility Regulatory Commission. Its the IURC. Hang on just a second, we got a list up here. What I would like to do is just follow the list. If anybody else has comments we'll try to get you in. We've got a list of questions here and we would like to try to answer before we get started though let me try to clarify something, explain a little bit of something. You know we are elected officials and it's our job to do what the town wants us to do, that's why we have these public meetings. Yea, we think it's a good idea to drop out of the IURC as far as I'm concerned the chair I'm setting in if the towns people say, no we don't think it's a good idea then my vote is no we won't. We won't drop out of the IURC. We as your town officials have done alot of work investigating alot of different proposals, alot of different vehicles if you will, to try to put in place systems or put in place plans for the town will keep us from doing like we've done in the past and all the things we looked at it made sense to us to drop out of the IURC. However, we do want to provide the wishes of the voting public of the people that put us into office, so as we open this meeting I'd like for everybody to keep that into consideration. The first person on the list is Pauline Pixley.

Resident Pauline Pixley asked for what reason did you come up with, I mean what is the matter with the system the way that it is on the water?

President Eddings stated ok, right now understand that sewer is not part of the IURC.

Ms. Pixley stated that she knew.

President Eddings stated ok, the IURC and all regulatory commissions were created basically to monitor private enterprise. If a private company comes in and has the water and is selling you water and they're a private company you cannot, you do not have the legal right to look at their book or any of their financial statements or any of their cash flows, operating statements or whatever, so a regulatory commission developed to protect you the consumer, from private industry coming in and charging you an absorbent amount for that water and then passing that profit off to the share holders of the company. We as a municipality of the Town of Sellersburg we are not private industry so any citizen of the Town of Sellersburg that would like to see the cash flow statements or operating statement of the water dept, all you've got to do is walk in and ask for them and they will be presented to you. The books will be opened up, so as

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10. 1997
PAGE 2

far as needing that protection you don't need that protection in a municipal owned environment. That's one of the reasons why we think it's a good idea to drop out. Another reason is that it cost the tax payer and the utility user additional funds to be a member of the IURC. Any time a rate adjustment goes into effect or need to be done to take care of a state mandated project or a capital improvement project or a board of elected officials fees needs to be done for the good of the growth of the town we have to go through a procedure has built in it certain fees and those fees are built in there to pay to the IURC to follow their plan so an example would be to put into effect a plan that would cost 30 to 48 thousand dollars to put that plan into affect. So your going to spend an extra 15 to 28000 to put that capital improvement plan or that project into effect just because you are a member of the IURC. Another one of the reasons why we want to opt out is there is already 364 cities & towns or municipal government bodies that have already opted out of the IURC including some of our closer neighbors like Georgetown, Hanover, Greenville just simple economic of scale. The IURC developed a computer package to run a model and lets say there is a hundred cities in the State of Indiana and to develop this computer package or this model it cost a hundred dollars so if 75% of the people drop out of the IURC then its going to cost each mamber \$400.00 to pay for that package of the program if your still in. If all hundred people were in, it would cost a dollar a piece. Does that make sense to you?

Ms. Pixley stated that it does in a way, but what's that going to do with our water bill and are you going to raise our water bills now?

President Eddings asked, right now?

Ms. Pixley stated that it should go down.

President Eddings stated that right now we are looking at alot of different proposals, ok.

Ms. Pixley stated that we are not trying to audit for you. I want to tell you I am in the city and I have been in the city for four years, paid city taxes and I don't get nothing but bills. You tell me why I don't get any services, no mail, no services but I want to know why we are, why this is the one for the town and you are not going to put out money into the capital places.

President Eddings stated that we do have a capital improvement project. A list of projects that need to be done for city growth. They amount to some where around 2.5 million dollars over a ten year period. We have plans made out. We are looking at several different plans so we do not wish this meeting to get into a rate issue meeting. This meeting is strictly IURC whether the public wants in or out. We're going to fine you all the reasons why but we're not looking at any specific rate plan at this time. We're not ready to present any specific rate plan at this time. We're looking at rate plans thats all the way from one end of the spectrum that may hold rates steady for 3 to 4 years to rate plans that raise rates at the year we adopt them. We havn't decided where we're at which is the best out of both plans and try to land some where in the middle. There are two or three different plans out there that we're looking at and we're not in a position to discuss rates at this meeting. What we are in a position to do is discuss our committment to being either in or out of the IURC. Let me just go ahead, let me go ahead here and finish here and we'll go ahead. This is not an irreversible decision if its seen that opting out of the IURC

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 3.

is not a good thing to do all it takes is a vote of the board to jump right back in we can make reversible.

Council Member Fenner stated, is there a waiting period though.

Ms. Pixley stated that she could say one thing and I know that you all heard this. If it's not broken why fix it? We've not had any trouble with it have we?

President Eddings stated let me, let me try to explain what we're after and what the objective is. Let me tell you too, there are cons, there are, there are. You know opting out of the IURC what you run the risk of is you know you have a board of people up here who I feel like have been pretty fiscally responsible. I mean over the last well since Dave and I have been in office in 8 years and Linda or 6 years we haven't raised taxes in six years.

Ms. Pixley stated that her taxes have more than doubled than being in the county.

President Eddings stated that you need to go down to the West Clark School Board Meeting is where you need to go.

Ms. Pixley stated, pardon me?

President Eddings stated that you need to go down to West Clark School Board meeting.

Ms. Pixley stated that that I don't have any kids in school and that's what bums me up. I don't have no....

President Eddings stated that the towns portion of taxes have not been raised in 6 years. You've got a pretty fiscally responsible group of people setting up here in front of you, whether you'd like to believe that or not but....

Ms. Pixley asked, then why did you take me into the city then?

President Eddings stated, wait just a minute, let me, let me finish.

Ms. Pixley asked why did you take me into the city? I was in the county and I wasn't hurting anybody and here they come and they throw me in there, they raised my taxes and everything they can get out of me they get out of me and then they say that this is not going to cost.

President Eddings stated to let me, let me explain that if you get out of, if you get out of the IURC and stay out of the IURC and a new board of officials get elected if they don't have a good plan in place and they run into trouble without being a part of the IURC they can just raise rates on a vote, so that's a downfall. You know so you gotta think about that. What it does is throw a lot of responsibility back in the voting public you want to vote in people on your boards that are fiscally responsible.

Council Member Alexander stated that he would like to add that you still have everything before, the only step your taking out is the IURC, there has to be public hearings, there has to be the mail outs. You still get to come in front of the board, ok, there is still a waiting period and you have the State Board of Accounts as far as yearly audits to make sure we're not miss using the money as far as the old saying,

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC.
MARCH 10. 1997
PAGE 4.

we're filling our pockets. All those are still in place and they're not going to change.

Ms. Pixley stated to Council Member Alexander that she would guarantee within the year of this company our water, and maybe before then, water bill will go up.

Resident Ms. Hood asked if everything is going to stay the same then why get out of the IURC. I think that it would be our coming here and I think that it's unfair to say that it's not based on that your not prepared to talk about raises. That's what I'm here to talk about. My vote whether we go in or out of the IURC depending on if the rates go up.

President Eddings stated that the reason why, the reason why we wanted to list them, to tell you about the pro's and con's is you really need to draw this out but if you just remember the history of Sellersburg and the history of being in the IURC and the history of how things were done in Sellersburg. We clip along at a flat rate and everybody has the same rate and there paying that same rate and we don't have money for cap. imp. projects and we don't raise rates and we don't do anything and we clip along for a 10 to 15 year period and then the state steps in and mandates that you have to build a new sewer plant or you have to build a new water plant or you have to do some type of enormous capital projects that cost up in the millions to do, what ends up happening is you do that, because your mandated to do that and the rates go straight through the roof so you would have a rate structure if you stay in the IURC and we operate the old way, that clips along, jumps through the roof, clips along, jumps through the roof, clips along, jumps through the roof. What we're proposing the plans we're looking at will lay out a 10 year capital improvement project that will take care of all those state mandated projects that may run flat for a year or two and they start going up gradually according to a CPI index, ok, or they may go up to start with and then a gradual increase but what we're looking for is that gradual movement to make sure we're funding all the projects that the state dictates that we do instead of clipping along at a flat rate for years and years and years and then doubling everyones sewer and water rates.

Mr. Hood asked if that was not what happened in the past?

Council Member Alexander stated that the biggest point here is either electable or accountable. I can be electable and I can set here for my four years and tell you everything is fine and do nothing and I can probably make four years alright then my next four years come along and sooner or later you have to be accountable. What we're trying to do is be accountable today and tomorrow. Not just be accountable on my election year or my promises or whatever.

Ms. Pixley stated that excuse me, you just got through saying that there is 8 houses new houses in Sellersburg in the last 2 years or another 3 on top of that. Where are you coming from on this.

Council Member Alexander stated the accountability is, OK.

Ms. Pixley stated that this just does'nt make sense.

Council Member Alexander stated yes it does. In 1987 you had a water raise, in 1992 water raises was for the water tank in Hamburg. 1987 was the last real raise for

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 5.

operation, inflation every year if you look in CPI index book it's went up 3% on all of our supplies. Electric is a very big consumer at the water plant and the sewer plant.

Bobby Adkins stated, excuse me, excuse me.

Council Member Alexander stated, yes.

Bobby Adkins stated that your saying that the CPI you have been saving for the last several years.

Council Member Alexander stated even if it was half.

Bobby Adkins stated to wait a minute, less that 2.8 percent your saying that, that is least 1.5% to high so what your looking at is you've gotta cost increase and if it exceeds 1.3 percent you are spending money that federal government say is not necessary because the CPI has not increased or supplies or labor and other things you need to run the business.

President Eddings stated to keep in mind you know we're not locked in on any kind of rate thing right now. It may come in at 1%.

Ms. Pixley asked why would you want to do it, why would you want to do it then?

President Eddings stated because if your part of the IURC the method that the IURC uses gives you a one year look back and a one year look forward based on your current audited books, based on current operating expenses, it forces you almost into a situation where you clip along steady 4,5,6,7 10 years and then have to go up 20%. and then clip along the IURC method almost dictates that you run that way. We do not want to run that way. We do not want to run with a gradual.

Mr. Steven Welsh stated, excuse me, Mr. Eddings.

President Eddings stated yes, sir?

Steve Welsh stated that this is the same identical story your telling today, same thing your telling today, same thing we heard a few years ago about EMC. The same thing you just got done saying a year forward and a year behind and that will govern the rates. Our rates have continually went up with EMC. Another thing you set here with all do respect sir, and started this portion of the meeting by saying whatever you all want, were elected officials, we'll do it, but that did not occur on EMC. Everybody in that room and you all pole in it, everybody said no we do not want it, and you went into a close door session to the public just a week later and jammed that down our throats, now isn't that what happened sir? Yes sir, it sure is.

President Eddings stated, ok wait a minute lets follow this list.

Mr Hamilton stated that I have been setting here listening and I would like to get the pros and cons because I would start asking questions out of ignorance.

Mrs. Hamilton stated that we have heard all cons and we've not heard any pros so we don't know what to compare it to.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 6.

Council Member Gary Fenner stated that he had only been on this council now for 14 months so I don't feel like I'm very far removed from you and I pay the same water bills that you guys do too and so when we started talking about this I really wanted to make sure that I understood it and that I knew what we were doing and why we were doing it and so I called the IURC up in Indianapolis several times. They have mailed me alot of information here and I'll be glad to show anybody any of it if you like and I have talk with the Indiana Association of Cities and towns and gotten information from them. I've done my best to do my homework and I came up with a list of 10 things of why we're considering this. Maybe this will give you some back ground and if you want me to elaborate on some of them I can but a couple of them we have already touched on but if you put them altogether I hope it will help make sense a little bit. One is that the IURC was formed to protect the consumer from privately owned utility companies that were in it for a profit and....

Timothy Sells stated and a town to protect us from you too.

Council Member Fenner stated, no.

Council Member Alexander stated that no, we're not in for a profit.

Council Member Fenner stated no, sir so that's the first reason is to protect them from privately owned utility companies that were in it for a profit and would raise the rates just so they would receive a profit. The town can't get a profit the State Board of Accounts would come in and lay us low if we tryed to stash money away somewhere in that way. You know as an example: Privately owned utility companies their rates are approximately 66% more than municipal owned utility companies that came out of URC annual report of 1995-1996 pg. 36. I'll show it to you if you would like. No, let me finish, let me put all this together.

Mr. Welsh stated that two years ago thats not what was said no, it wou't increase it won't increase if anything it will stay the same.

Council Member Fenner stated, no, no, no, no.

Mr. Welsh stated that he was talking about when EMC, which is a privately owned water facility, we were told if we went for that everything would stay the same and if it went up it would be a very minuet amount.

Council Member Fenner stated that EMC doesn't own our water company. They are private-ly owned and they are running it for us. They do not own it and we have not had any rate increases since they have taken, I mean I wasn't here when they were hired but they, they, we have not had any rate increases.

Mr. Welsh asked, then why is everyone's water going up sir?

President Eddings stated that it must be usage because their have not been any rate increases.

Council Member Fenner stated that until this month mine hadn't gone up, but, yea. until this last month mine hadn't gone up.

Council Member Alexander stated that the reason your water bill was higher this last month, the bill you just received was it estimated in February and also a three to four

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 7.

day period. You should be able to take four much add them together and come up with your average usage. There was not a rate increase.

Council Member Fenner stated, ok, that was my first point I got 10 of these so hold on with me. The first one is why the IURC was formed, alright. The second one is the town council has a responsibility of running the town and setting the tax rate of approving the budgets, of setting the sewer rates. The sewers have never been regulated by the IURC. The town council has that responsibility to do that and whats the difference between the town council running all those other things and the town council running the water dept, ah. You know if, if, if you, if they're intrusted with responsibility for all these other, why not with the sewer, water depts. also. Alright, thats #2. Number 3 is if you read things out of Indianapolis the catch word among the legislator up there now is called home rule and that is the people in Indianapolis are trying to give more authority to local governments. The local towns instead of having centralixed in Indianapolis, they're trying to let us do more of our own thing rather than us you know jump to whatever they say and so instead of us dealing with a faceless, impersonal government agency such as the IURC you know they have no idea what the situation is here in Sellersburg. All they know about Sellersburg is a few numbers. They got in front of them that they're crunching from one year before and looking one year in the future, alright, then by, by, by, taking it away from them and bring it here then you can sit and look the Sellersburg Town Council in the eye like you are tonight and say that we don't like this, alright, and if the Sellersburg Town Council goes ahead and does it even if you don't like it you can vote the bums out of office. You can't vote the URC out of office.

A resident stated that its already done if we vote you out of office. Its already done we're stuck with the rules you make.

A resident stated that what if they do vote you out of office.

Council Member Alexander stated that your stuck with me for four years and at the end of that four year term.

A resident asked, what makes you think that the URC can't do their job?

Council Member Alexander stated to let him give a scenario.

A resident stated, no, I want you to answer my question.

Council Member Alexander stated that no here this will answer your question, here's the scenario. The bums come in the bums raise your rates the first year they're in and four years from now you think thats totally wrong. You vote five new people in and those bums lower your rate and if you were in the IURC the second bums would have to go through the IURC in order to lower rates spending an additional \$50000.00

Ms. Pixley stated that Council Member was entitled to a scenario.

Council Member Fenner asked if he could finish this.

Mr. Pixley asked how many of these people have dogs? You consider these dogs as pets. How many of you consider these dogs as watch dogs. I see a few hands going up and thats what this IURC is a watch dog. Now you people are wanting to shoot the watchdog.

Council Member Fenner asked, may I finish? I'll answer that, like I said, I've got 10 of these I know, alright, alright, one of the ways to consider the IURC alright as I said they don't have anything to do with sewer we do, with sewer and we do with the other things but another way to look at the IURC is as another level of bureaucracy and its another layer of government that you and I are paying for. The IURC has an annual budget of 5.5 million dollars a year. Guess where that money comes from. It comes from us as tax payers, alright, they were put there originally to protect the consumer from privately owned industries and not from their own elected officials. So like I said they are a level of bureaucracy that as far as the town is concerned are probably not necessary. Alright number five if we did want to increase the water rates and this is next month or three years from or five years from now, alright, we would have to go through a six to nine month delay by going through the IURC I take that long to go through all their hoops. Number six we did want to increase water rates when ever we would have to play their games jump through their hoops and that means that we would probably for instance if we wanted a 15% increase we would probably have to ask for a 25 of 30 percent increase and hope that they would give us what we wanted or needed in the first place and I can document that in their annual report. I've got a list of the one that we're asked for last year the morgan county rate asked for 14% they got 11%. North West Indiana asked for 10.9% they got 7%. You know I got page after page of this, ok.

Mr. Welsh stated that in other words whats the reason for this. You want to be able to increase it anytime you want it. Is that what your saying, sir, your throwing out 15, 20, 25 and what are we to think of this.

Council Member Fenner stated no, no, no, those are examples from these other people.

Mr. Welsh stated that those are pretty good examples that people better look at.

Council Member Fenner stated, ok, let me, let me, let me.

A resident asked if there was a plan about raising it already?

Mr Welch stated, why sure there is. What do you think this is about. They are not going to lower it, that's what this is about.

Council Member Fenner stated alright, that was number 6, alright. I know moving fast aren't I. Number seven and we've already thrown the figures out to you and that is anytime you do want to raise rates or do you know like a capital improvement project or whatever we would have to go back through the IURC the cost would be between 30 and 48 thousand dollars to do it if we were out of the IURC we would be able to do it for 15 thousand a year, alright and thats you know a big savings.

A resident stated that you make it sound like the 48000. is a yearly thing.

Council Member Fenner stated, No, thats only if you asked for a raise. Your not going to have to pay the 48000. every year. No, I did not mean to say that. Number eight is that we are not alone in withdrawing from the IURC there have been 364 other communities that are already withdrawn and we've mentioned Georgetown, Greenville, Hanover, Orleans, Elizabeth is in the process of doing it. Did you see the article in the newspaper a few weeks ago and they had a public meeting like we're having tonight and the people obviously you know they had questions just like you do and concerns. You know even if your a Clark County REMC customer have you seen they are going to vote on withdrawing from the IURC in April at their annual meeting. You know like I said 364 have already

done it so we're not out there by ourselves and we're not doing something that's not already been done before. We've already said that this is not an irreversible decision that we could be reinstated at a later date and the last one I had was simply that they say that, that, that you need to be sure if you do this you need to be sure that you have good management of your water utilities and if you have good management of the water utilities then that will help stabilize everything and it will help to make it possible for it to run more efficiently. A few years ago we struggled with good management of your water utilities and if you have good management of the water utilities then that will help stabilize everything and it will help to make it possible for it to run more efficiently. A few years ago we struggled with good management because we had trouble finding, finding trained people who were certified that could run the water and the sewer plant and I think, I wasn't on the council when they, when they selected EMC to come in but what I have seen in my 14 months they have raised the level, the efficiency of our operation and they have done a good job in helping to run our plants and make it more efficient and to, to, to serve the community and so we have good management we have people that are trained and certified now where we didn't before, and that makes it you know, it gives a lot more protection.

Ms. Pixley stated are they the ones that is going to take over the water too?

President Eddings stated that they already manage the water.

Council Member Fenner stated that they manage, they manage the water and the sewer plants for us.

Ms. Pixley stated that your selling us, the city. They are controlling the city.

Council Member Fenner stated that there is a 3 year contract and all they do is manage the water and sewer depts.

Ms. Pixley stated that they sure manage it don't they?

Mr. Welch stated that didn't they just recently decide to get a much longer year contract?

Council Member Fenner stated, I'm sorry, pardon?

Mr. Welch asked that didn't EMS ask for or at least air the possibility that they would like to have for a lot more years?

Council Member Fenner stated that there was a discussion of that but we did not take any action on it.

Ms. Pixley asked, excuse me?

Council Member Alexander stated yea, no.

Council Member Fenner stated no, it, whatever we do it really doesn't make a difference whether.....

Mr. Welch stated that it does make a difference.

Council Member Fenner stated no, no, I, you don't let me finish. I'm sorry it doesn't

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10. 1997
PAGE 10.

make a difference whether we're in the IURC as far as our contract goes as far as, you know, as far as, what I mean it, that really.

A resident stated that the management of the water company.

Council Member stated yea, that really makes no difference the management of the water company makes no difference on what we do with the rates, ok.

Ms. Pixley asked what was this second notice we got? Thats on the 14th day of April the Town of Sellersburg will present a proposal for final, you mean its already, you've already got it in your minds.

Council Member Alexander stated, no, thats the date, thats the date that it gets proposed and the vote, the vote comes in.

Ms. Pixley stated then you've already done it, it's already been done.

Council Member Alexander stated that no, thats just procedure.

Council Member Fenner stated that by law we have to notify the public of what we're doing. The first one you got was to tell you about this public hearing and then 30 days from this public hearing then we are then we are legally able to vote upon what we did at this public hearing.

Mr. Sells stated that if you drop out of this URC or whatever it is your going to drop out of does this mean that people that are on your water are going to have to put up with you all raising the rates anytime you want to or , wait a minute, now or us there some way that the citizens of Sellersburg can stop this rate increase if they don't think it is fair.

Council Member Alexander stated yes, exact same thing, correct me if I'm wrong Perry but it's the exact same process if we were in the URC.

Perry McCall stated that pretty much, the rate payer file a petition in the court, or the clerk file in the court within 30 days and then you would be scheduled for a hearing on the proposed increase then you could a court mediate and say what they believe.

Resident Belinda Bartley state, so we all have to get together and file a petition.

Ms. Hood stated, exactly, at what financial cost, then does we as a town have to hire our own attorney?

Ms. Pixley state, no the town will probably appoint one.

Ms. Hood stated, no the town has the attorney to represent them.

President Eddings state that that's correct, you know we said from the off set that there are risk for dropping out, theres risk to dropping out as well as theres pros and cons to staying in and pros and cons to dropping out. You know the only thing that we can say at that, you know, on that behalf is that the citizens of the town it's there responsibility to elect fiscially responsible town board members.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 11.

Ms. Hamilton stated, so whats the main goal in this is to basically have more control of the money so that we can plan ahead for projects.

President Eddings stated that the main goal is exactly we want to lay out instead of getting a one year liik back period and another year look back period and having the square wheel the square wheel is one that you drag along and drag along, and drag along and finally you get enough force says that you can turn that wheel over . We want to have a round wheel so when you pull it along it's steady.

Ms. Hamilton stated that instead of having to borrow extra money to pay your wanting to be able to plan ahead to have the money to be able to prepare for the projects we're going to have in the future.

President Eddings stated, thats exactly it, and being a member of the IURC does not let you do that if we stay in the IURC and we have to plan and do things the way we've always had to in the past you're looking at steady, steady, steady 50% steady, steady, steady, 50% and I know alot of you.....

Ms. Hamilton stated, so it would be a gradual increase instead of one big chunk all of the sudden.

Council President Eddings stated that's exactly right and how you know. Alot of people remember when the sewer plant went in and what happened to the water and sewer rates when that went in I mean everybody was paying...

Resident Belinda Bartley stated, that we paid for that 5 years before it even started. I think we need a rate decrease. I really do I don't know anyone around that pays what we do for water.

Mr. Pixley stated, I got two questions.

President Eddings stated to go ahead.

Mr. Pixlex asked, is there a fee for leaving or returning from the IURC and the second question is that we heard that the comparison of sewer-tap in rates, is there a comparison of water rates as well.

Council Member Alexander stated comparison on the water rates is that we're in the fair, right now we are actually alittle lower that average of other communities.

Resident Belinda Bartley stated that Jeffersonville is \$10.00 a month.

Council Member Alexander stated Water, Water you will have that it all comes into, that all comes into the project.

Belinda Bartley stated that we're not even close and they're bigger than we are. No, I'm compairing water I don't believe that.

Council Member Ken Alexander stated no, your compairing water and sewer.

Belinda Bartley stated that she was compairing water.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 12.

Council Member Alexander stated that the report is coming back from Umbaugh and as soon as it comes back I will be more than happy to stop by your house and show you that I am telling you the truth that we are below average.

Council Member Fenner stated that the average water bill in Sellersburg is about 15.00 for water only.

Residence state, that's bull, that is what yours is.

Council Member Fenner stated no I have three kids, mine is more than average, alright.

Belinda Barlley stated that what is to prevent you from selling us out to a private owned company, if we get out of the IURC.

President Eddings stated, hang on, hang on.

Don Brown stated that there was nothing in your notices that said anything about written quesitons but there's a stack of them and here is a stack of water bills if you didn't want to address it or if you do the council could write it down.

President Eddings stated to hang on let's get back to our agenda. We still got some more names on the list of people that may want to talk.

Ms. Diefenbach stated that she would like to say that the water bill and the sewer bill has all gone up and she had records to prove it. I understand by talking to some of them that we had some one reading meters that last January thru December was reading them wrong. He was getting his 8's and 3's mixed up and I suggest to all of you that you go down and read your own meters at the end of the month. We got to have some checks and balances that's all that there is to it because we can't keep going up and up. Now I've finally got it down to where I thought it otta be for one person and I compared it to another lady who lives by herself. This last month of course we're always a month behind. I went down and read the meter for the month that just past and it went back down. I hadn't done anything any different that I had ever done. The other thing that I would like to mention is that I have a problem with water running across my yard. It was up about 15 feet, I guess from the road. It comes down out a field in the back of right next to me and comes across, when we put this in, we put in the largest culvert we could put in and it runs down to the drain and under the sidewalk. It comes down so fast that it has just washed terribly. If your ever over there you need to come and take a look.

Council Member Voyles stated that I live about four houses from you and yes, its pretty high. The water gets awful high up there. It comes right across the road. You know, there's nothing you can do when you get 12 inches of water you know, you just gotta...

Ms. Diefenbach stated that but everytime we have a bad rain it comes out of that back field we have a ditch running down with a big, big culvert and it's full of water. I don't know what else can be done but I do like to have some advice from somebody who would know.

Council Member Alexander stated to get advice at least to take it to the first step to contact the town hall in the morning and list your complaint, address, and your name and stuff like that and we should have someone out there with in two weeks that addresses the problem then I will call you back and let you know what they done.

SELLERSBURG TOWN COUNCIL

PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC

MARCH 10, 1997

PAGE 13.

Ms. Diefenbach stated that last year we had the chance to complain about this to the county officials and they come out an they thought it was pretty bad to and consequently there was a little bit of chance made in the valve of just the property right there, but we still have a situation there.

Council Member Alexander stated that the best way to have that resolved is to call the town hall in the morning give them your name and address and the type of your complaint and let someone address it appropriately.

Ms. Diefenbach stated that now I'll really think if we let the officials do the job or us I think that our interest otta be your first concern, absolutly we pay the bills. So just remember whenever you make a decision, make it because of us who pay the bills thank you.

Belinda Bartley stated that she wanted to know if you get uh, out of the uh, uh, URC.

President Eddings stated that he had the same problem.

Belinda Bartley stated that you know what I am talking about.

President Eddings stated yea.

Belinda Bartley stated what prevents you all from selling us out to a private owned company whos going to take over. What prevents you all from doing that?

Council Member Alexander stated that same scenerio can be done inside the URC or outside the URC it has know.

Council President Eddings stated that it has no bearing.

Belinda Bartley stated that ok, alot of people, alot of these people are going to get to vote in April on this your going to have to explain that they don't get to vote, that you all, vote and they don't have any san, ok.

Council President Eddings stated that there are always petitions.

Belinda Bartley stated that there's always court action and attorneys are going to get rich out of it.

Council Member Alexander stated no, no.

Council Member Fenner stated to let me share with you.

Belinda Bartley stated that here I have copies I can pass to everybody.

Council Member Alexander stated, right.

Belinda Bartley stated that after this is over, after this is over, from the leader, after this is all over your out of here.

Council Member Alexander stated that he was a firm believer that after its over.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 14.

Belinda Bartley stated that if you have any grips about it you can go to circuit court. Who's got money to throw away on attorneys to fight something that you all are setting up there....

Council Member Alexander stated, I don't remember that quote....

Council Member Fenner stated that ok, let me specifically tell you what exactly what the law says about this process. Ok and that is if, this town council so decides to remove itself and remove the town from the IURC alright then that does not take effect until 60 days after that alright but if, there is a petition no lawyer, a petition. I'm coming to it, a petition.

A resident asked how many signatures?

President Eddings stated that he likes to jump in to fast.

Council Member Fenner stated that a petition signed by at least 10% or 500 registered voters, 10% or 500 registered voters which ever is less, requesting the question of removal from the commissioned jurisdiction, be submitted to the voters is received within 60 days your, uh lets see, alright if the petition is, is timely received the question of the removal shall be submitted to the voters at the next election, whether it be a general or primary, written notice of the referendum shall then be mailed at least 10 days before the date of referendum if the majority of those vote in favor remove the, the, favor of the removal it takes effect immediately if the majority votes against the ordinance does not take effect. Alright, and what that means is if we decide to do it and if, if, if you absolutly think it's the worst thing in the world to do and you come up with a petition that has either 500 registered voters or 10% of registered voters in Sellersburg which ever is less, which I assume would be less than 500 then all you have to do is present that petition and therefore it will not take effect and it will go on the ballot at the next general election of I guess it would be the primary, pardon.

A resident asked, and we present the petition to whom?

Council Member Alexander stated that you can present it to us and will make sure it gets there or...

Steve Welsh stated, here's a unique idea.

Council Member Fenner stated that this doesn't spell out exactly to who.

Steve Welsh stated, how about doing something the people want you to do if the people say they do not want this not voting on it, not doing it, another words I hear you very clearly, you all have done made up your minds on it, same thing as EMC. You all know what you want to do. You're just going through the motion of a public hearing, sir.

Council Member Fenner stated, ok, alright, let me tell you why and that is because if we put, if we had to have a referendum for this it would cost the town to put it on a ballot. I mean there are those cost.

A resident asked, how much?

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 15.

Council Member Fenner stated that he didn't know exactly. I, I, I cound'nt tell you exactly. I've not gone that far.

Steve Welsh stated that this otta be a referendum sir. The people otta be allowed to decide. You all do things people don't want that's got to stop.

Council Member Alexander stated that one thing I want to address on, you Steve, Steve one thing I want to address on you, ok, some people because we let them call in and talk to us and stuff like that think this is the way they're going to stop the evaluation of water rates and so forth, ok, it's not it's just a process we go through, ok.

Belinda Bartley asked, how many times have I called and got you?

Council Member Alexander stated that you've got us everytime, everytime not one time and I mean and there was alot of them.

Belinda Bartley stated that you return a call two or three days later. Kenny there's not a ...

Council Member Alexander stated that we return, you can ask anybody. I answered almost 60 calls that come into the town hall and most of them where answered 5 minutes after they were done.

Mr. Welsh stated, wait a minute Kenny.

Council Member Alexander state I left it on your answering maching three times Steve.

Steve Welsh stated that it took you a week to do it though, didn't it?

Council Member Alexander stated no, you didn't ask for me I did that out of courtesy.

President Eddings stated ok, lets move on.

Council Member Alexander stated, move on.

President Eddings stated, Linda do you have anything, wait a minute, wait, let's follow the list, Linda do you have anything else, ok, Alvis Wynn.

Mr. Wynn stated that friends and neighbors, I heard this same thing 23 years ago. Same old song and dance. Mr. Fenner and I had a meeting the other night and what was said was the same thing and I'm getting tired of it. They've done made up their minds. Twenty three years ago they laid it on us guys, man those bums were no good, were in here we can fix this. Twenty three years ago they told me the same thing they told me the same thing.

Council Member Fenner stated that well, I wasn't here 23 years ago and I understand that's the nature of the offices that you get blamed for everything that's ever happened in town whether, no matter even if you were alive then, you know.

Mr. Wynn stated well, Gary I mean somethings just never change.

Council Member Fenner stated, well.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 16.

Mr. Wynn stated, I'm not blamming you. I just said that I heard the same thing. No I just said I heard the same thing.

A resident stated that I heard the other night didn't you on the tire burning thing the guys going to burn them anyhow. What we said didn't make a bit a difference.

Ms. Hood asked, can we get a referendum on that?

Council Member Fenner stated I, I don't know because the last time we did make a difference on the tire burning they did postpone it for what two, two or three years. I mean they made, we did make a difference there.

President Eddings asked, do you have anything else? ok thanks, Steve and Marilyn Welsh.

Marilyn Welsh stated that I'm just one little ole... in a great big ole and there is only one thing I got to say. If they start raising water bills I have an 82 year old mother who lives alone and has maintained her home for over 55 years and right now she doesn't do her own laundry she cooks maybe something like that her water bill is almost as much as mine and I wash everyday and it's getting to a point where it's all we can do to pay our water and sewer so how hard is it going to be on the senior citizens and I'm going to tell you all right now if we all live long enough we're going to be in the same situation.

Mr. Welsh stated amen.

Council Member Alexander stated, exactly and I agree with you a 100% ok. I am 33 years old. When I was 5 years old, 5 years old grant you now ok, somebody could have taken care of this sewer plant somebody could of ok, but we didn't I was 5 years old I didn't even get a right to come into this council room and say hey guys what are you doing? My whole objective to this is to make sure the kids that are 5 years old today don't get dealt the cards I got dealt when I got married and I got moved into Sellersburg and that is the only thing I have to there is a process we're going to have to go through you're not going to like me but there is 5 year old kids that want to live in Sellersburg ok. When I got married I got handed 30 bucks on my sewer bill 30 bucks ok, it probably would have cost back when I was 5 probably all of you two or three more dollars a month ok, would probably have took care of most of the problems but you pushed it off to the future we've got to stop that this whole country pushes everything off to the future. Yes, there is alot that has to be discussed. Yes, you need to ask what our operating budgets are, what our capital improvement programs are going to be, but we have got to stop pushing this stuff off to the future or our kids are not going to have a place they're going to be able to afford to live.

Ms. Diefenbach stated, but we've got to equalize it.

Council Member Alexander stated right, exactly but if we don't do anything, exactly.

Belinda Bartley stated if you'll only paid 30 dollars your darn lucky.

Council Member Alexander stated no, 25 dollars more.

Ms. Diefenbach stated that it's more than that.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 17.

Council Member Alexander stated, but, it's got to be a shared responsibility, not say hey you all pay for it all. When we're dead and gone that's not a solution.

Mr. Welsh stated all right, all right you all mentioned that some 360 communities has broke away from the regulatory commission having said that do you have any data from the people that have been away from it for years how happy they are with the rates right now.

Steve Welsh stated that you don't have anything.

Council Member Alexander stated, honestly, Steve you're not going to see much a change, the same courage it takes to go in front of a community and say I want... Do you know what it's like to say hey I know there's fixed income people out there you think I'm happy I go home and say hey, much money did I get from that little ole lady.

Mr. Welsh stated, of course you're not.

Council Member Alexander stated ok, alright that same courage to come up in front of the town is still going to exist. It's not something we're going to walk into one month and say hey let's raise rates ok. The same responsibility everything is still there ok. We want to make us more responsible not take a trip up to Indianapolis and let's talk with the URC and the town board and we set there and we don't have to say a word. You come in and you deal directly with this local government who ever it will be and you make them held accountable.

Ms. Pixley stated you can't do that, you just got through telling us we'd have to take it to court, right here.

Belinda Bartley stated that you all can tell us no we come to talk to you and you say well no it's your problem. What about state grants. If we're going to grow you know we've got to do all this stuff. There's state grants there was a state grant for the sewer department.

Council Member Alexander stated, thank goodness.

Mr. Sells stated that me and Ms. Sells vote for the every 10 year raise.

Council Member Alexander stated but, right, the every 10 year raise has a problem though. This means that the easiest way to go into the URC is with a bond. That's the easiest way. You show them a bond you show them that hey, this is the debt I'm going to go into and one time out of 10 they'll give you that ok, the problem with that is that you are securing that money on just those projects. What if #1 well field goes completely down tomorrow. You have structured yourself to where your paying a debt, ok, What we're trying to do is make it more flexable to where we can say hey look # 1 well one just went down, alright let's move our capital improvement program up a year and take care of well #1 unstead of saying hey we still got 3 more wells, let the next council or let our kids take care of well #1.

Mr. Sells stated that my kids have more money then what I've got.

President Eddings stated to let's move on, uh, Mr. Brown would you like to say something.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 18.

Don Brown stated that I had several questions and they're written down. I'd appreciate answered. You were comparing rates between Sellersburg and the neighboring cities, Jeffersonville, Clarksville. Your right on the sewer tap fees. Your still going to probably going to be lower than they are, except in the out lying areas, but there is alot of confusion on these water rates I'm like everybody else mine sometimes hits \$100.00 for two of us over there the information I get they're saying the average usage in Sellersburg is right around 4800 gallons.

Clerk Treasurer Schafer stated that this was correct. We did a study on that.

Don Brown stated that for a family an average billing on water alone is 4800 gallons in Sellersburg 12.82. There is two of us out there know we're not watch dogs but the two of us use 16000 gallons it seems like there is something wrong somewhere. I can't figure it out either we're awful clean or somebodys awful dirty in this town.

Council Member Fenner stated we'll let me answer part of that. You handed, you tossed your water bills up here on the table in front of us, ok, let me share with you, your water bill 18.99, water bill 17.98, water bill 17.64, water bill 17.13, water bill 14.43. You know, I mean I could go through the rest of them.

Belinda Bartley stated that, that is still double Jeffersonvilles and New Albany.

Gary asked 14.00 dollars?

Belinda Barlley stated, yes.

Council Member Alexander stated, not in the county.

Don Brown asked what's the bottom line when you add it all up.

President Eddings stated see, we're getting off the issue again. Ok, is there any other questions you have or can we just write these out and give these back to you. Ok, I mean can we fill these in for you later?

Mr. Brown stated yes there are calcutations you'll have to do.

President Eddings stated yea, I see some of them we don't have the answers for right now. There not part fo the meeting. OK, the questions that were handed in now will the rates be regulated if we withdraw from the state? I think we have answered that question. What recourse does the people of Sellersburg have? I think we've answered that question. If you are already on the sewer what's the additional fee. I think we've answered that question. So I think we have answered all the hand written questions. that have been presented and we've had, went through our list of people we'll take just a few more comments and then we're going to close the meeting.

James Hamilton stated that I want to know what the water rate is either in gallons, units or cubic feet.

President Eddings asked Joe what is the water rate, do you know?

Joe stated that it is a graduated scale based on consumption.

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 19.

President Eddings stated that yea, yes sir, this is the last one.

A resident asked from what I understand if we withdrew from the IURC is there any way that with a vote we can vote to change that.

President Eddings asked, you mean a public vote?

The resident stated, yes.

President Eddings stated that I don't think so.

Council Member Alexnader stated I would always vote no. I mean that's what your gonna get I mean there's nobody out there that likes....

A resident stated, there is just a petition.

President Eddings stated just the petition process you would'nt have to hire a lawyer, You'd just have to go.

Ms. Pixley stated, Kenny did you just say nobody out there likes this.

Council Member Alexander stated that I don't like it. I mean you all think that what...

Ms. Pixley stated, no, no, no, but why are all of you agreeing to it? and nobody else likes it.

Council Member Alexander stated No you talking water rates ok, and I mean and nobody likes it ok the biggest thing that we have to learn to do in this community is understand things more than like them. I mean just because we don't like them doesn't mean we're not taking care of things we've got to be able to make a plan that lets you know whats going on ok. I mean how many of you know what the operating right now in the revenue lost is?

Ms. Diefenbach stated that we need more information.

Council Member Alexander stated that right, exactly , exactly and you need it to where its...

Ms. Diefenbach stated, on paper.

Council Member Alexander stated that you got it and there needs to be a way that says, that it show how accountable your councils been.

Ms. Diefenbach stated if you want to sell your program you better put it on paper so we all understand it.

Council President Eddings stated on, one more and thats it.

Ms. Hood asked what is the capital improvement?

President Eddings stated that there is a list of projects out there that we need to do some of them are state mandated we've got them on a list because we've been doing some planning that would be easier accomplished out of the IURC at a lot less cost, but it's about a two point 5 million dollar, 10 year long list of projects that we need to do in

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FROM THE IURC
MARCH 10, 1997
PAGE 20.

order to be able to maintain our affluent water all within what the state mandates us to or the test that they run on the water system to make sure meet all the EPA regulations things like the water tower down in Jeffersonville that needs to be taken care of.

Ms. Hood asked do we have access?

Council Member Alexander stated that I will come out, anything cannot happen, It's a very long period we've got two months before the URC thing happens in those two months. We're going to be developing different options as far as what goes on.

President Eddings stated, but as far as the list the list might change as we develop that plan and actually lock in on whether we need a rate increase or don't or if we do how much it may change but if you want what we have on paper right now that's the proposed plan we don't have a problem with you having a copy of that.

Ms. Hood asked are you going to have other meetings like this, when it's finalized?

President Eddings stated that any time we have a rate increase meeting or any kind of an adjustment it has to be a public hearing just like you see tonight.

Ms. Hood stated because I don't see how it's fair for us to come in and make a decision unless if we have all of the information and that's what I expected to see tonight was all of it.

President Eddings stated, all tonight was.

Ms. Hood stated here's what we're proposing, this is what we're expected to do with all of this money.

President Eddings stated, see we hadn't gotten that far yet. We're just looking for the IURC issue.

Council Member Voyles stated that you know I'm new on the board. I've been, Gary and I on for 14 months and I've been in Sellersburg for probably 24 years. I came to Sellersburg from Jeffersonville. I was born and raised on a farm. I had a hard time with Sellersburg you know. When I first moved into town first of all my taxes went from 500.00 to 1800 a year and my water bill naturley everybody. I had 3 girls who two went to Silver Creek one went to Providence. I'm part of the community you know. I'm not going to send anybody down the creek. I pay the water bill. I pay the sewer bill. I want Sellersburg to be proud of Sellersburg. We've got a beautiful opportunity of growing there is alot of things that may be coming that really helps Sellersburg and I hope everybody don't think we're up here trying to sell you something, you know. Are kids my kids, my kids are going to be here in Sellersburg so anything I do my grand kids are going to say my grandpa did this to me. You know, and I'm not that kind of person. I'm going to be here fighting for you. If we have to raise rates a little but so be it if we've got a long term picture.

Ms. Hood stated that I'm not saying I'm totally againts raising rates its just a matter of how we're going to do it. I want to know what is it going for, if we're talking about

SELLERSBURG TOWN COUNCIL
PUBLIC MEETING/REMOVAL WATER UTILITY FORM THE IURC
MARCH 10, 1997
PAGE 21.

something that, some industrial something I would'nt be happy with that because I plan on being here for another 10 to 25 years and I'm 33 too.

President Eddings stated that if we can get a coping machine I will give you a copy of this, that kind of lays it out over the years of what a capital improvement and what an estimated cost is for those projects. OK, were going to close the meeting now.

Bobby Adkins stated that I'm a certified Public Accountant and I don't know but I stood here listening to this from you all say now we have to get out of the IURC so that we can save money. Now these are your words, tell me how that you go to the URC and you save this is my cost \$100000. And this is my revenue 50000.00 I got to have a rate increase and they will not give that to you. Now the URC is going to look at your #'s and say now you've projected salary cost at 25000.00 but your history shows that your salary cost only need to be 15000.00 and their going to go through it that away and say you don't need that rate increase. Now you have not told these people or this town why it's necessary to get out of the URC except you do not want to go through the URC and prove that you've got the financial and statistical data to support a rate increase. Now if you can show that you have that statistical data and that they charge 50000.00 and you can hire an accountant to put that data together because the clerk treasurer can't do it for 10000.00. And that your now operating at 50000. or any number of deficit thats fine and I can see you want to get out of the URC so you don't have to pay them but your still going to have to come to the community and tell them your losing money, but you have just gave us a tremendous amount of double talk up here tonight and it's pathetic and you let us, let thses people get off on a tangent or this that or the other to try to, to relieve what your trying to do here and this is wrong. Now tell us, give us financial statements. I ask Bill for financial, Gary I've ask you for financial statements. I want to see what the State Board has said about the town, about the water dept. and I would like to see monthly operating statements and a balance sheet that shows all income and expenses and the assets that the water depts. got let's look at it. Show it to us.

President Eddings stated why havent you been asking for it already. Are you a citizen of the Town of Sellersburg. Every bit of what you've been asking for has been available and your a public accountant.

Council Member Alexnader stated that one thing I would like to add to this is he's saying give me a scenario ok, the URC was suppose to be in existence to protect us to make sure that rate was right is that you assumption of the URC.

Bobby Adkins stated, yes.

Council Member Alexander stated ok, in 1992 we go in and build a water tank. We go into the URC and we show them all our financial numbers and they come up with that 5.2 whatever rate increase and stuff like that. Why didn't the URC pick up that we didn't have a dept. reserve account on those 4 outstanding bonds if they were there to protect the citizens of Sellersburg. Why did that board that we just paid 50000.00 bucks to that had engineers accountants and all that not pick up that we did not have a debt reserve on our 4 outstanding bonds. When we redid the bonds in 1994 we were 92000 dollars behind we got wrote up by the State Board of Accounts because 92000 dollars was not in a debt reserve.

Bobby Adkins stated that, that was your fault.

Council Member Alexander stated no it wasn't.

Council member Alexander stated that you just said the URC was there to protect us from that. Basically what happened was the capital improvement program of 90000 dollars was exhausted to go into a debt reserve. Now what kind of protection is that. I can't go yell at those people.

Bobby Adkins stated that this is not a financial statement. You handed me a page with a bunch of numbers on it. This is not a financial statement.

Clerk Treasurer stated that this was a financial statement.

Bobby Adkins stated that this is not a income and expense statement.

Clerk Treasurer stated that is the State Board of Accounts approved to give to the town council that is a financial statement.

Bobby Adkins stated well you can call it what you want to but a financial statement is a list of expenses broken down by what those expenses are such as salaries, such as supplies and each of the rate payers and the differences is.....

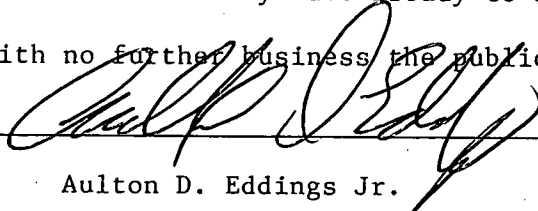
Clerk Treasurer Schafer stated I have those also if you would like to stop by my office.

President Eddings stated alright, at this time I'll entertain a motion that we close this public meeting.

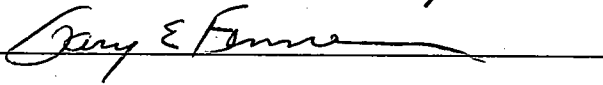
Adjournment

Motion was made by Dave Broady to adjourn this meeting and seconded by Bill Voyles.

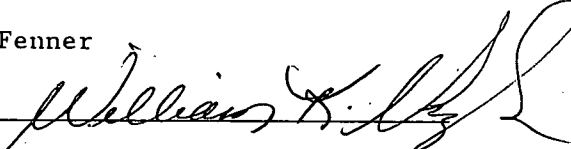
With no further business the public meeting was adjourned by President Eddings at 8:10 p.m.

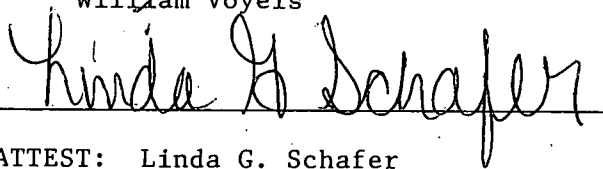

Aulton D. Eddings Jr.

David Broady


Gary Fenner


Kenneth Alexander


William Voyles


ATTEST: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

March 24, 1997

SPECIAL EXECUTIVE SESSION

A Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss personnel matters. Those present were: Aulton D. Eddings, Council President; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member and Linda G. Schafer, Clerk Treasurer. With Perry McCall, Town Attorney and David Broady, Council Member being absent.

Called To Order

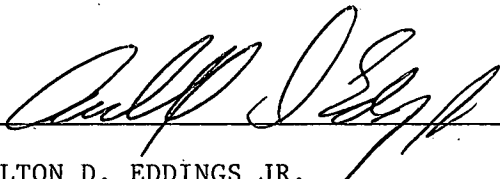
President Eddings Called the Special Executive Session to order at 6:05 p.m.

Topics of Discussion

Chief of Police Contract
Town Manager Job Description
Wage Adjustments for Chief Deputy and other Deputies

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:35 p.m.



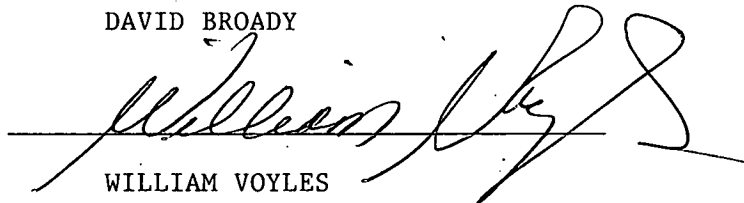
AULTON D. EDDINGS JR.

ABSENT

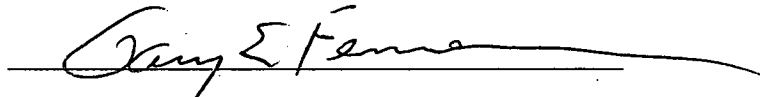
DAVID BROADY



KENNETH ALEXANDER

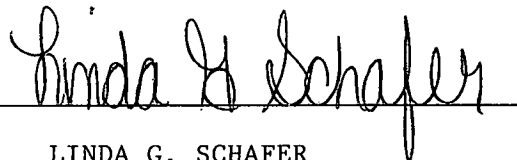


WILLIAM VOYLES



GARY FENNER

ATTEST:



LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 24, 1997

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; and Linda Schafer, Clerk Treasurer. With David Broady, Council Member; and Perry McCall, Town Attorney; being absent.

Called To Order

President Eddings called the regular meeting to order at 6:40 p.m.

Prayer

The prayer was offered up by Rev. Dale Offutt.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meetings

President Eddings dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes of the March 10, 1997 Executive Session, the minutes of the March 10, 1997 Regular Meeting, the minutes of March 10, 1997 Public Hearing on Sewer Tap Fee Increase, and the meeting of March 10, 1997 on Removal of the Water Utility From the IURC.

Motion was made by Council Member Voyles to approve the minutes and seconded by Council Member Alexander.

Council Member Fenner stated that, that's with the understanding that we change the date on one, a typographical error.

Vote 4-0

President Eddings Presents Ord.# 97-666 Amendment to the 1997 Salary Ordinance

President Eddings stated that there was a proposed ordinance in front of the council on realigning the salaries in the town clerks positions, three separate positions. We do not have a full board here tonight so we can't pass this on a single reading, however, I would like to bring this ordinance up and get the first reading passed or looked at tonight so that it can be passed at the second meeting. Everyone has had a chance to look at Ordinance 97-666. I'll entertain a motion to consider Ordinance# 97-666.

Motion was made by Council Member Alexander to consider the Ordinance 97-666 on the first reading and this motion was seconded by Council Member Voyles.

Vote 4-0

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page. 2.

President Eddings asked the Clerk Treasurer if she had the main copy.

Clerk Treasurer stated that yes, I have it here.

President Eddings stated just keep it.

Petitions Or Comments By Those Citizens Present

Carl Kamer, Silver Creek Township Trustee stated that on the the storm sewer we got a problem with them washing out. I asked Linda today, is their bond still good.

Clerk Treasurer Schafer stated that she had talked to John Toombs and also River Hills to locate a copy of that surity bond on Team Contracting and John Toombs stated that normally it is for a year after the completion of the work. Is that not correct.

John Toombs stated that in April it will go out of effect.

Clerk Treasurer stated, ok.

Carl Kamer asked the council if they wanted to contact Team One.

Council Member Alexander asked if it washed away down at the end where the outlet goes into the creek?

Carl Kamer stated that dirt is not going to hold it neither is rock.

Council Member Fenner stated that this is what they have already addressed once and have already tried to fix it once?

Council Member Alexander stated that John Toombs was that addressed in the contract on how that was to be finished at the end of that?

John Toombs stated that yea, it was suppose to be.

Council Member Alexander stated no, I mean as far as was it addressed as far as to rock or whatever the wash out.

John Toombs stated that there was no money for rif raf.

Council Member Alexander stated that I guess my question is how are we going to I mean is is team, with the contract we gave Team Contracting was that a Team Contracting problem or is that a Town of Sellersburg?

John Toombs stated that the town would have to pay for the rif raf.

Clerk Treasurer Schafer stated that after April 22nd ,on April 23rd it will be the towns problem.

President Eddings stated that it may be anyway.

Council Member Alexander stated that if we didn't write a contract to put a wall or anything up there, I mean.

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 3.

John Toombs stated that there last claim was the 22nd of April 1996. They're obligated to come back to that time. I couldn't get back there to look at it the gates were locked I'll go back there and look at it and I'll make a recommendation as to what I think we need to do.

Carl Kamer stated John, will you tell Team One if they put dirt back to get their own dirt instead of using mine.

John Toombs stated that yes sir, I will.

Carl Kamer stated that I think its awful cheap to use my dirt, my rock dust that was supposed to finish the track. I don't want to besupplying the dirt. The dirt's not going to hold.

John Toombs stated that he did not think it would either.

Carl Kamer asked if the council would get back with him on this?

John Toombs stated that yes, he would.

EMC Presents Two Week Revenue Report

Joe Goergen stated that he had the 2 week revenue report and the monthly report for the month of February. The month of February was a very wet month.

Council Member Fenner stated that it was alot like March.

Joe Goergen stated no, not as bad as March but, we've had some significant flows for the month our highest 4.37 million gal. a day. We also violated for ammonia. We're also going to track rainfall and add that to our flow charts. During the storm hopefully some of this will be recovered with some FEMA money. We had to have a channel monster sent out for repair and we sent it to the manufacture and they replaced parts and charged no labor and the cost of parts were 7004.35 and there is shipping it had to go yellow freight and I have no idea what that cost.

Council President Eddings stated that, you say part of this repair may be recovered by FEMA?

Joe Goergen stated yea, I met FEMA there today and narrated what goes with it.

President Eddings asked if this was an extra expense. I mean this is something that we have to...

Clerk Treasurer Schafer stated that hopefully we will be able to recover it. It will be 75% Federal, 12.5 State, and 12.5 local. I don't know if our insurance company will be able to provide a little of that or not.

President Eddings stated that it will come out of out of scope.

Clerk Treasurer stated yes, out of scope.

President Eddings asked, do you have an invoice, I mean do you have a....

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 4.

Joe Goergen stated no, I just now got it back, I have not actually invoiced it.

Clerk Treasurer Schafer stated that she had already filled out the initial FEMA application. We had a meeting Friday at Prosser, then I met with them this morning and filled out the town's portion to recover the 24 hours overtime that our street dept. had, damage that was done through out the Police station, the equipment we used during the storm and also as far as the contract portion of it the out of scope repairs that EMC had alot of damage we had in our sewer and water. I put that we are working on it that we don't have the accurated figures. Which they will allow us up to 6 months to obtain the full effect of what, the complete damage of the town was.

President Eddings stated paperwork, why though we will incur the cost EMC, we just reimburse them according to out out of scope and then we get the money back from FEMA.

Clerk Treasurer stated, yes this could be taken care of because it's a liability that we have to have and hopefully we can recover that from FEMA.

President Eddings stated that he requested a motion to go ahead and pay the repair of the channel monster for 7004.35 plus shipping.

Motion was made to pay for the repair of the channel monster by Bill Voyles and seconded by Kenneth Alexander.
Vote 4-0

Joe Goergen stated that the only thing that he had is and again its very weather depending because of how its been in flushing hydrants between the 13th and the 18th of April.

President Eddings stated that in April we will notify.

Bob Stewart, Building Commissioner, stated that we need customers. It was very quiet in January, it was very quiet Feburary, March, isn't going to be any different. The only significant contract us Team Contractors structure room additions, alot of garages and alot of sheds most have been electric upgrades. I've seen alot of electric lines are running low to their homes and not maintaining the height for the safety factor and getting an above ground pool and put in their back yards where wires are already hanging and they put a pool in the back of their house and no provision or code to regulate these lines.

President Eddings Presents Claim For Permit Fees From The S'Burg Fire Dept.

President Eddings stated that he had a claim from the Sellersburg Fire Dept.. I guess it's March-February in the amount of 1078.00. and requested a motion to pay the claim for 1078.00 to the building commissioners for the Sellersburg Fire Department.

Motion was made by Council Member Alexander and seconded by Council Member Fenner.
Vote 4-0

Council Member Fenner stated, let's see, I've got a couple things. One is I had some people approach me concerned about an old family cemetery that is in the towns limits

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 5.

that their afraid that is going to be overlooked and possibly bulldozed and they want to know if we as a town council would make sure that the property owners are aware that the cemetary is there and they are not going to bulldoze it. It's Frances Wells Family Cemetary and there are about 40 identifiable graves in it. It's in the back edge of the property of the new industrial park on Hwy 31 and so I would like to ask to instruct the town attorney to write a very friendly generic letter just reminding him it's up there and we know about it and there are people taking care of it.

Council Member Alexander stated that someone purchased property over it.

Council Member Fenner stated , yes he purchased the property but it's against the law to bulldoze a cemetary.

Council Member Alexander stated right.

President Eddings asked Council Member Fenner if he wanted to take care of getting a hold of the town attorney.

Council Member Fenner stated that, that would be fine. Jesse Ballew owns the property. It's the industrial park down there. It's back in there, there is a little stonewall it is very obvious. Another thing is May the 11, thru the 17th has been designated a state wide as Municipal Government Week. It is a P R type thing that is being promoted through IACT. They have sent me a copy of the program book with all kinds of ideas basicaly it is to promote our town and I want to know if we are interested in pursuing this and implementing some of these ideas I thought of in terms of it. You know we've never had an open house in the town hall. I thought we might one night have an open house, at the police dept, the next night we could have an open house at the sewer plant, and the next night we could have an open house, if the fire dept. would be willing to join us in this we could have an open house at the fire dept. You know there is all kinds of ideas in here I would be glad to help develop it if I could ask some of you. You know I would coordinate that if you are willing to do that.

Council Member Alexander stated that he thought it was a great idea.

President Eddings stated that if Council Member Fenner would set up one night a piece we'll take that.

Council Member Fenner stated that I will delegate some of this you don't know what you are getting yourself into. May 11th, - May 17th.

President Eddings asked, is that it?

Council Member Fenner stated I think so, Municipal Government Week 1997.

Council Member Alexander Addresses Temporary Handicap Parking Signs for Church on New Albany St.

Council Member Alexander stated that he had the church on N. New Albany approach us as far as wanting to put handicap parking sign out in front. I talked to Dave and the reason the yellow line is there is for the school buses but would there be any problem with them having temporary signs during church, something temporary and I understand that we could'nt make it permanent because of the buses.

President Eddings stated that we have no problem with that.

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 6.

Council Member Alexander Addresses Renfro Water/Sewer

Council Member Alexander stated that Bob Renfro has approached him about Regents Lane. He wants to put two or more houses in. I know our water condition over there is not 100% but two houses will not have that much effect.

President Eddings stated, in that area, at the beginning wasn't he the developer?

Council Member Alexander stated that I mean one is storm drain, starts going this way and we don't allow anymore going into Hill-n-dale.

President Eddings stated when they developed in my opinion they should have seen it.

Council Member Alexander stated that he is asking for approval. The road is half way finished. He will have to run the storm drain the other way to include the two houses. He will still have to go through all the motions of the Planning Commission he just wants to make sure he will be able to tap water & Sewer in the future he has plans to put in a subdivision. We will have to put in a new line around the back side of Hill-n-dale which will also help Chad Nunn's problem.

Council Member Alexander stated that he would make a motion to approve the water and sewer connection for Bob Renfro and this motion was seconded by Council Member Voyles. Vote 4-0

Council Member Alexander Addresses New Car Lot/Prather Lane.

Council Member Alexander stated that there is a car lot going in on Prather Lane. This is the same property the town used to own. There is an open ditch that is 20 or 30 ft. across this property that backed up and flooded Shirley Ave. I would like to know what size pipe would fix this problem. The new owners are going to put this in when they put their entrance into the car lot. These are the same people that wanted the property at the high school. This property is zoned B-3 so they would not have a problem here.

Council Member Alexander Commented on Public Hearing

Council Member Alexander stated that he had just a short comment with the public hearing. Reading through the minutes something was brought up that we have our minds made up and just a short comment on that coming into a public hearing yes, I do have my mind made up as far as which direction I'm going to go but having the public input sometimes either structures you into the next meeting saying hey you guys had your minds made up why did we even come in. They do have an important part I thought they were to a point very civil as far as how they addressed us the only part of the meeting that I did not like and I wished I could have gathered it in more was the character attacks to do record keeping, for the record as far as I'm concerned Ken Alexander district 2 we have plenty of records. I mean plenty of records and they are kept at a very high level of satisfaction to be able to completely do the job and if anyone would like to see them you're more than welcome to come in. I thought that was kind of an uneducated low blow I missed it, I wished I wouldn't have but I read it and now I've said it. Ok.

Council Member Fenner Addressed Sewer Tap Publications

Council Member Fenner stated that I think I had one more thing that slipped my mind. The sewer tap-in ordinance that we're considering. We're going to have to republish that and have another public hearing on that anyway it seems just because we... I would like for us to consider amending it already, because the purpose of the ordinance is

Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 7.

basically to govern the future development, new development that is going to hopefully take place in and around town. I would like for us to put a disclaimer and exemption or a grandfather clause whatever you want to call it in there. There are just a few houses that are already existing residents, structures that are not on the sewers at this point in time they have just kind of slipped through the cracks. I would like for us to give them an exemption and let them pay the lower rate of \$450.00. When and if they ever choose to connect to the sewer. Like I said, I don't want to penalize them just because we have not hooked them up to the sewers yet and like I said, there are some people that I know of, they're older people on fixed incomes. I don't want them paying. We're talking about new development.

Council Member Alexander stated that this would be existing homes prior to 1997.

Council Member Fenner stated, yes I mentioned this to Perry and he thinks we can, but we need to do it properly but I want to run that by you guys, do any of you have a problem with that.

President Eddings stated that if we can do it inside the scope I don't care.

Council Member Fenner stated that it looks like we're already going to have to have another public hearing.

Clerk Treasurer Presents Out of Scope Claims From EMC

Clerk Treasurer Schafer stated that she had two claims that she was presenting to the town council for approval for supplies and materials to attach the Sellersburg Fire Station on Bean Rd. to our sewer tap. One of these is to Thorn Orwich in the amount of 2784.00 and the other is to Thorn Orwich in the amount of 757.00.

Motion was made by Council Member Alexander to approve the claims and seconded by Council Member Voyles.
Vote 4-0

Clerk Treasurer Presents Claims For Civil, Water, and Sewer

Clerk Treasurer Schafer presented her bills for the Civil, Water, and Sewer Depts. for this meeting.

Motion was made by Council Member Fenner to approve the claims and seconded by Council Member Voyles.
Vote 4-0

Adjournment of Meeting

Council Member Alexander made a motion that the meeting be adjourned and this was seconded by Council Member Voyles.
Vote 4-0

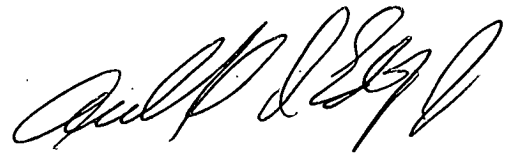
With no further business this meeting was adjourned by President Eddings as 7:17 p.m

ABSENT

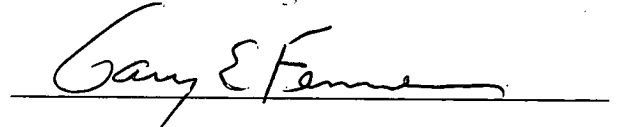
AULTON D. EDDINGS JR.

DAVID BROADY

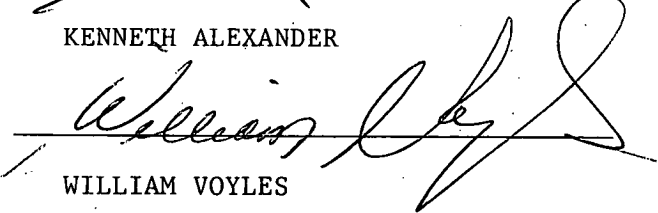
Sellersburg Town Council
Regular Meeting
March 24, 1997
Page 8.



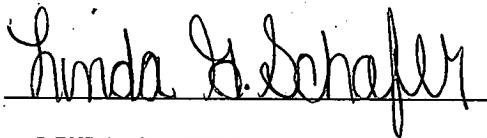
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES

ATTEST: 

LINDA G. SCHAFFER
SELLERSBURG CLERK TREASURER